

1
2 An act relating to elections; creating the
3 Florida Election Reform Act of 2001; amending
4 s. 97.021, F.S.; revising definitions; amending
5 ss. 98.471, 100.341, 100.361, F.S.; removing
6 provisions relating to voting systems that use
7 voting machines or paper ballots; amending s.
8 101.015, F.S.; requiring the Division of
9 Elections to review the voting systems
10 certification standards to ensure that new
11 technologies are available and appropriately
12 certified for use; amending s. 101.151, F.S.;
13 modifying specifications for ballots; requiring
14 the Department of State to adopt rules
15 prescribing uniform ballots; amending ss.
16 101.21, 101.24, 101.292, 101.34, 101.341,
17 101.43, 101.49, 101.58, 101.71, 101.75, 104.30,
18 138.05, F.S.; removing provisions relating to
19 voting machines and updating references, to
20 conform; amending s. 101.5603, F.S.; deleting
21 references to punchcard marking and voting
22 devices; amending s. 101.5604, F.S.; requiring
23 the use of precinct tabulation electronic or
24 electromechanical voting systems in each
25 county; amending s. 101.5606, F.S.; providing
26 additional requirements for electronic and
27 electromechanical voting systems; prohibiting
28 the use of punchcard voting systems; amending
29 s. 101.5607, F.S.; to correct a
30 cross-reference; amending s. 101.5608, F.S.;
31 providing procedures for ballots rejected by

1 the vote tabulation device; amending s.
2 101.5612, F.S.; provide standards for logic and
3 accuracy testing of vote tabulating equipment;
4 amending s. 101.5614, F.S.; removing references
5 to canvassing returns at central or regional
6 locations, to conform; creating s. 101.595,
7 F.S.; requiring supervisors of elections and
8 the Department of State to report on voter
9 errors following the general election; amending
10 s. 102.012, F.S.; prescribing additional duties
11 for election boards; deleting references to
12 voting machines, to conform; amending s.
13 103.101, F.S., relating to the form of the
14 presidential preference primary, to conform;
15 amending s. 582.18, F.S., relating to the
16 election of district supervisors; conforming a
17 cross-reference; repealing ss. 100.071,
18 101.141, 101.181, 101.191, 101.251, 101.5609,
19 F.S., relating to the specification and form of
20 ballots, to conform; repealing ss. 101.011,
21 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,
22 101.36, 101.37, 101.38, 101.39, 101.40,
23 101.445, 101.45, 101.46, 101.47, 101.54,
24 101.55, 101.56, F.S., relating to voting
25 machines, to conform; amending s. 97.021, F.S.;
26 revising the definitions of the terms "absent
27 elector" and "primary election"; providing
28 additional definitions; creating s. 101.048,
29 F.S.; providing procedures for voting and
30 counting provisional ballots; amending s.
31 101.045, F.S.; requiring verification of an

1 elector's eligibility if the elector's name is
2 not on the precinct register; amending s.
3 101.5614, F.S.; providing for the return of
4 provisional ballots to the supervisor of
5 elections; providing for the canvass of
6 provisional ballots; clarifying the standard
7 for counting votes on spoiled ballots; amending
8 s. 101.69, F.S.; allowing a voter who has
9 requested an absentee ballot and who decides to
10 vote at the polls on election day to vote a
11 provisional ballot, if the absentee ballot is
12 not returned; amending s. 102.111, F.S.;
13 changing the composition of the Elections
14 Canvassing Commission; revising deadlines for
15 county returns; amending s. 102.112, F.S.;
16 revising deadlines for certification of
17 election results; directing the Department of
18 State to ignore late-filed election returns
19 except in the case of a statutory emergency;
20 amending s. 102.141, F.S.; requiring the county
21 canvassing board to provide public notice of
22 time and place of the canvass of provisional
23 ballots; modifying deadlines for submitting
24 unofficial returns; revising requirements for
25 an automatic machine recount; amending s.
26 102.166, F.S.; substantially modifying
27 standards and procedures for manual recounts;
28 repealing s. 102.167, F.S.; eliminating a form
29 for protests; amending s. 102.168, F.S.;
30 revising the grounds for an election contest;
31 amending s. 99.063, F.S.; adjusting the date to

1 designate a Lieutenant Governor running mate;
2 revising the primary date in 2002 and providing
3 for only one primary until 2004; providing
4 dates for Lieutenant Governor candidates to be
5 designated and qualified; providing campaign
6 finance reporting dates and contribution limits
7 for the 2002 elections; creating s. 97.0555,
8 F.S.; providing for registration of certain
9 military and overseas persons; requiring the
10 Department of State to adopt rules specifying
11 eligibility; creating s. 101.6951, F.S.;
12 providing for a state write-in absentee ballot
13 for overseas voters; creating s. 101.6952,
14 F.S.; providing for absentee ballots for
15 overseas voters; creating s. 101.697, F.S.;
16 providing for absentee ballot requests and
17 voting via electronic transmission by overseas
18 voters under certain circumstances; creating s.
19 101.698, F.S.; authorizing the Elections
20 Canvassing Commission to adopt emergency rules
21 during crises to facilitate absentee voting;
22 amending s. 101.62, F.S.; modifying information
23 on absentee ballot requests; amending s.
24 101.64, F.S.; modifying absentee ballot
25 certificates; amending s. 101.65, F.S.;
26 modifying instructions to absent electors;
27 amending s. 101.657, F.S., relating to voting
28 absentee ballots; conforming provisions;
29 amending s. 101.68, F.S.; modifying information
30 that must be included on an absentee ballot;
31 authorizing the processing of absentee ballots

1 through tabulations for a specified period
2 before the election; amending s. 104.047, F.S.;
3 deleting a prohibition against persons
4 witnessing more than five ballots in an
5 election and a prohibition against returning
6 more than two ballots in an election, and the
7 penalties therefor; repealing ss. 101.647,
8 101.685, F.S., relating to returning absentee
9 ballots and absentee ballot coordinators;
10 amending s. 98.255, F.S.; providing for voter
11 education; amending s. 101.031, F.S.; providing
12 for a Voter's Bill of Rights and
13 Responsibilities; providing responsibilities of
14 supervisors of elections; amending s. 101.131,
15 F.S.; eliminating a requirement to call out
16 names of voters; creating s. 102.014, F.S.;
17 providing for pollworker recruitment and
18 training; repealing s. 102.012(8) and (9),
19 F.S., relating to pollworker training, to
20 conform; amending s. 102.021, F.S.; to correct
21 a cross-reference; amending s. 97.073, F.S.;
22 revising procedures to be followed when a voter
23 registration application is incomplete;
24 amending s. 106.31, F.S.; providing legislative
25 intent with respect to campaign financing;
26 amending s. 106.33, F.S.; prohibiting the use
27 of contributions from individuals who are not
28 state residents to meet the eligibility
29 threshold for receiving election campaign
30 financing; amending s. 106.35, F.S.; providing
31 that contributions from individuals who are not

1 state residents may not be used as qualifying
2 matching contributions; creating s. 98.0977,
3 F.S.; providing for development of a statewide
4 voter registration database; providing for
5 update of information in the database;
6 requiring quarterly progress reports to the
7 Legislature until fully implemented; providing
8 for an operational date; providing for the use
9 and distribution of an appropriation for the
10 design of a statewide voter registration
11 database; creating s. 98.0979, F.S.;
12 prescribing requirements for copying
13 information in the statewide voter registration
14 database; repealing s. 98.0975, F.S., relating
15 to the central voter file maintained by the
16 Division of Elections; providing for the use
17 and distribution of an appropriation for voter
18 education and pollworker training; requiring
19 the Division of Elections to provide a progress
20 report on the upgrading of voting systems;
21 providing for the distribution of an
22 appropriation from the General Appropriations
23 Act to counties; providing for study of
24 elections process in multiple time zones;
25 containing a severability clause; providing
26 effective dates.

27

28 Be It Enacted by the Legislature of the State of Florida:

29

30 Section 1. This act shall be known as the "Florida
31 Election Reform Act of 2001."

1 Section 2. Effective September 2, 2002, subsections
2 (2), (35), and (36) of section 97.021, Florida Statutes, as
3 amended by this act, are amended to read:

4 97.021 Definitions.--For the purposes of this code,
5 except where the context clearly indicates otherwise, the
6 term:

7 (2) "Ballot" or "official ballot" when used in
8 reference to:

9 ~~(a) "Voting machines," except when reference is made~~
10 ~~to write-in ballots, means that portion of the printed strips~~
11 ~~of cardboard, paper, or other material that is within the~~
12 ~~ballot frames containing the names of candidates, or a~~
13 ~~statement of a proposed constitutional amendment or other~~
14 ~~question or proposition submitted to the electorate at any~~
15 ~~election.~~

16 (a)(b) "Paper ballots" means that printed sheet of
17 paper, used in conjunction with an electronic or
18 electromechanical vote tabulation voting system, containing
19 the names of candidates, or a statement of proposed
20 constitutional amendments or other questions or propositions
21 submitted to the electorate at any election, on which sheet of
22 paper an elector casts his or her vote.

23 (b)(c) "Electronic or electromechanical devices" means
24 a ballot that ~~which~~ is voted by the process of electronically
25 designating, including by touchscreen, ~~punching~~ or marking
26 with a marking device for tabulation by automatic tabulating
27 equipment or data processing equipment.

28 (35) "Voting booth" or "booth" means that booth or
29 enclosure wherein an elector casts his or her ballot, ~~be it a~~
30 ~~paper ballot, a voting machine ballot, or a ballot cast for~~
31 tabulation by an electronic or electromechanical device.

1 (36) "Voting system" means a method of casting and
2 processing votes that functions wholly or partly by use of
3 ~~mechanical, electromechanical, or electronic~~ apparatus or by
4 use of paper ballots and includes, but is not limited to, the
5 procedures for casting and processing votes and the programs,
6 operating manuals, tabulating cards, printouts, and other
7 software necessary for the system's operation.

8 Section 3. Effective September 2, 2002, section
9 98.471, Florida Statutes, is amended to read:

10 98.471 Use of precinct register at polls.--The
11 precinct register, as prescribed in s. 98.461, may be used at
12 the polls in lieu of the registration books for the purpose of
13 identifying the elector at the polls prior to allowing him or
14 her to vote. The clerk or inspector shall require each
15 elector, upon entering the polling place, to present a Florida
16 driver's license, a Florida identification card issued under
17 s. 322.051, or another form of picture identification approved
18 by the Department of State. The elector shall sign his or her
19 name in the space provided, and the clerk or inspector shall
20 compare the signature with that on the identification provided
21 by the elector and enter his or her initials in the space
22 provided and allow the elector to vote if the clerk or
23 inspector is satisfied as to the identity of the elector. If
24 the elector fails to furnish the required identification, or
25 if the clerk or inspector is in doubt as to the identity of
26 the elector, such clerk or inspector shall follow the
27 procedure prescribed in s. 101.49. ~~The precinct register may~~
28 ~~also contain the information set forth in s. 101.47(8) and, if~~
29 ~~so, the inspector shall follow the procedure required in s.~~
30 ~~101.47, except that the identification provided by the elector~~
31 ~~shall be used for the signature comparison.~~

1 Section 4. Section 100.341, Florida Statutes, is
2 amended to read:

3 100.341 Bond referendum ballot.--The ballots used in
4 bond referenda shall include a ~~be on plain white paper with~~
5 printed description of the issuance of bonds to be voted on as
6 prescribed by the authority calling the referendum. A separate
7 statement of each issue of bonds to be approved, giving the
8 amount of the bonds and interest rate thereon, together with
9 other details necessary to inform the electors, shall be
10 printed on the ballots in connection with the question "For
11 Bonds" and "Against Bonds."

12 Section 5. Effective September 2, 2002, subsection (3)
13 of section 100.361, Florida Statutes, is amended to read:

14 100.361 Municipal recall.--

15 (3) BALLOTS.--The ballots at the recall election shall
16 conform to the following: With respect to each person whose
17 removal is sought, the question shall be submitted: "Shall
18 be removed from the office of by recall?"

19 Immediately following each question there shall be printed on
20 the ballots the two propositions in the order here set forth:

21 "...(name of person)... should be removed from office."

22 "...(name of person)... should not be removed from
23 office."

24

25 ~~Immediately to the right of each of the propositions shall be~~
26 ~~placed a square on which the electors, by making a crossmark~~
27 ~~(X), may vote either of the propositions. Voting machines or~~
28 ~~electronic or electromechanical equipment may be used.~~

29 Section 6. Effective upon this act becoming a law,
30 subsection (7) is added to section 101.015, Florida Statutes,
31 to read:

1 101.015 Standards for voting systems.--
2 (7) The Division of Elections shall review the voting
3 systems certification standards and ensure that new
4 technologies are available for selection by boards of county
5 commissioners which meet the requirements for voting systems
6 and meet user standards. The Division of Elections shall
7 continuously review the voting systems certification standards
8 to ensure that new technologies are appropriately certified
9 for all elections in a timely manner. The division shall also
10 develop methods to determine the will of the public with
11 respect to voting systems.

12 Section 7. Section 101.151, Florida Statutes, is
13 amended to read:

14 101.151 Specifications for ballots ~~general election~~
15 ~~ballot.--In counties in which voting machines are not used,~~
16 ~~and in other counties for use as absentee ballots not designed~~
17 ~~for tabulation by an electronic or electromechanical voting~~
18 ~~system, the general election ballot shall conform to the~~
19 ~~following specifications:~~

20 (1) Paper ballots ~~The ballot~~ shall be printed on paper
21 of such thickness that the printing cannot be distinguished
22 from the back.

23 ~~(2) Across the top of the ballot shall be printed~~
24 ~~"Official Ballot, General Election," beneath which shall be~~
25 ~~printed the county, the precinct number, and the date of the~~
26 ~~election. The precinct number, however, shall not be required~~
27 ~~for absentee ballots. Above the caption of the ballot shall~~
28 ~~be two stubs with a perforated line between the stubs and~~
29 ~~between the lower stub and the top of the ballot. The top~~
30 ~~stub shall be stub No. 1 and shall have printed thereon,~~
31 ~~"General Election, Official Ballot," and then shall appear the~~

1 ~~name of the county, the precinct number, and the date of the~~
2 ~~election. On the left side shall be a blank line under which~~
3 ~~shall be printed "Signature of Voter." On the right side~~
4 ~~shall be "Initials of Issuing Official," above which there~~
5 ~~shall be a blank line. The second stub shall be the same,~~
6 ~~except there shall not be a space for signature of the~~
7 ~~elector. Both stubs No. 1 and No. 2 on ballots for each~~
8 ~~precinct shall be prenumbered consecutively, beginning with~~
9 ~~"No. 1." However, a second stub shall not be required for~~
10 ~~absentee ballots.~~

11 (2)(3)(a) ~~Beneath the caption and preceding the names~~
12 ~~of candidates shall be the following words: "To vote for a~~
13 ~~candidate whose name is printed on the ballot, place a cross~~
14 ~~(X) mark in the blank space at the right of the name of the~~
15 ~~candidate for whom you desire to vote. To vote for a write-in~~
16 ~~candidate, write the name of the candidate in the blank space~~
17 ~~provided for that purpose." The ballot shall have headings~~
18 ~~under which shall appear the names of the offices and names of~~
19 ~~duly nominated candidates for the respective offices in the~~
20 ~~following order: the heading "Electors for President and Vice~~
21 ~~President" and thereunder the names of the candidates for~~
22 ~~President and Vice President of the United States nominated by~~
23 ~~the political party that ~~which~~ received the highest vote for~~
24 ~~Governor in the last general election of the Governor in this~~
25 ~~state, above which shall appear the name of said party. Then~~
26 ~~shall appear the names of other candidates for President and~~
27 ~~Vice President of the United States who have been properly~~
28 ~~nominated. Votes cast for write-in candidates for President~~
29 ~~and Vice President shall be counted as votes cast for the~~
30 ~~presidential electors supporting such candidates. Then shall~~
31 ~~follow the heading "Congressional" and thereunder the offices~~

1 of United States Senator and Representative in Congress; then
2 the heading "State" and thereunder the offices of Governor and
3 Lieutenant Governor, Secretary of State, Attorney General,
4 Comptroller, Treasurer, Commissioner of Education,
5 Commissioner of Agriculture, state attorney, and public
6 defender, together with the names of the candidates for each
7 office and the title of the office which they seek; then the
8 heading "Legislative" and thereunder the offices of state
9 senator and state representative; then the heading "County"
10 and thereunder clerk of the circuit court, clerk of the county
11 court (when authorized by law), sheriff, property appraiser,
12 tax collector, district superintendent of schools, and
13 supervisor of elections. Thereafter follows: members of the
14 board of county commissioners, and such other county and
15 district offices as are involved in the general election, in
16 the order fixed by the Department of State, followed, in the
17 year of their election, by "Party Offices," and thereunder the
18 offices of state and county party executive committee members.
19 ~~When a write-in candidate has qualified for any office, a~~
20 ~~subheading "Write-in Candidate for ...(name of office)..."~~
21 ~~shall be provided followed by a blank space in which to write~~
22 ~~the name of the candidate.~~In addition to the names printed on
23 the ballot, a blank space shall be provided under each heading
24 for an office for which a write-in candidate has qualified.
25 With respect to write-in candidates, if two or more candidates
26 are seeking election to one office, only one blank space shall
27 be provided.

28 (b) ~~Immediately following the name of each office on~~
29 ~~the ballot shall be printed, "Vote for One."~~ When more than
30 one candidate is nominated for office, the candidates for such
31 office shall qualify and run in a group or district, and the

1 group or district number shall be printed beneath the name of
2 the office. Each nominee of a political party chosen in a
3 primary shall appear on the general election ballot in the
4 same numbered group or district as on the primary election
5 ballot. ~~The name of the office shall be printed over each~~
6 ~~numbered group or district and each numbered group or district~~
7 ~~shall be clearly separated from the next numbered group or~~
8 ~~district, the same as in the case of single offices.~~
9 ~~Following the group or district number shall be printed the~~
10 ~~words, "Vote for One," and the names of the candidates in the~~
11 ~~respective groups or districts shall be arranged thereunder.~~

12 (c) If in any election all the offices as set forth in
13 paragraph (a) are not involved, those offices to be filled
14 shall be arranged on the ballot in the order named.

15 (3)(a)(4) The names of the candidates of the party
16 that ~~which~~ received the highest number of votes for Governor
17 in the last election in which a Governor was elected shall be
18 placed first under the heading for each office on the general
19 election ballot, together with an appropriate abbreviation of
20 party name; the names of the candidates of the party that
21 ~~which~~ received the second highest vote for Governor shall be
22 second under the heading for each office, together with an
23 appropriate abbreviation of the party name.

24 (b)(5) Minor political party candidates and candidates
25 with no party affiliation shall have their names appear on the
26 general election ballot following the names of recognized
27 political parties, in the same order as they were certified.

28 (4)(a) The names of candidates for each office shall
29 be arranged alphabetically as to surnames on a primary
30 election ballot.

31

1 **(b)** When two or more candidates running for the same
2 office on a primary election ballot have the same or a similar
3 surname, the word "incumbent" shall appear next to the
4 incumbent's name.

5 **(5)** The primary election ballot shall be arranged so
6 that the offices of Governor and Lieutenant Governor are
7 joined in a single voting space to allow each elector to cast
8 a single vote for the joint candidacies for Governor and
9 Lieutenant Governor, if applicable.

10 **(6)** The general election ballot shall be arranged so
11 that the offices of President and Vice President are joined in
12 a single voting space to allow each elector to cast a single
13 vote for the joint candidacies for President and Vice
14 President and so that the offices of Governor and Lieutenant
15 Governor are joined in a single voting space to allow each
16 elector to cast a single vote for the joint candidacies for
17 Governor and Lieutenant Governor.

18 **(7)**~~(6)~~ Except for justices or judges seeking
19 retention, the names of unopposed candidates shall not appear
20 on the general election ballot. Each unopposed candidate
21 shall be deemed to have voted for himself or herself.

22 **(8)(a)** The Department of State shall adopt rules
23 prescribing a uniform primary and general election ballot for
24 each certified voting system. The rules shall incorporate the
25 requirements set forth in this section and shall prescribe
26 additional matters and forms that include, without limitation:

27 1. Clear and unambiguous ballot instructions and
28 directions;

29 2. Individual race layout; and

30 3. Overall ballot layout.

31

1 **(b) The department rules shall graphically depict a**
2 **sample uniform primary and general election ballot form for**
3 **each certified voting system.**

4 ~~(7) The same requirement as to the type, size, and~~
5 ~~kind of printing of official ballots in primary elections as~~
6 ~~provided in s. 101.141(5) shall govern the printing of~~
7 ~~official ballots in general elections.~~

8 ~~(8) Should the above directions for complete~~
9 ~~preparation of the ballot be insufficient, the Department of~~
10 ~~State shall determine and prescribe any additional matter or~~
11 ~~form. Not less than 60 days prior to a general election, the~~
12 ~~Department of State shall mail to each supervisor of elections~~
13 ~~the format of the ballot to be used for the general election.~~

14 ~~(9) The provisions of s. 101.141(7) shall be~~
15 ~~applicable in printing of said ballot.~~

16 Section 8. Effective September 2, 2002, section
17 101.21, Florida Statutes, is amended to read:

18 101.21 Official ballots; number; printing; payment.--

19 **(1) Where applicable in any county in which voting**
20 ~~machines are not used,~~ the supervisor of elections shall
21 determine the actual number of ballots to be printed. The
22 printing and delivery of ballots and cards of instruction
23 shall, in a municipal election, be paid for by the
24 municipality, and in all other elections by the county.

25 ~~(2) In any county in which voting machines are used,~~
26 ~~one set of official ballots shall be provided for each machine~~
27 ~~plus a number of sets equal to 5 percent of the total number~~
28 ~~of machines; one set shall be inserted or placed in or upon~~
29 ~~each machine, and the remainder of the sets shall be retained~~
30 ~~in the custody of the supervisor, unless it shall become~~

31

1 ~~necessary during the election to make use of same upon or in~~
2 ~~the machines.~~

3 Section 9. Effective September 2, 2002, section
4 101.24, Florida Statutes, is amended to read:

5 101.24 Ballot boxes and ballots.--The supervisor of
6 elections, ~~except where voting machines are used,~~ shall
7 prepare for each polling place one ballot box of sufficient
8 size to contain all the ballots of the particular precinct,
9 and the ballot box shall be plainly marked with the name of
10 the precinct for which it is intended. An additional ballot
11 box, if necessary, may be supplied to any precinct. Before
12 each election, the supervisor shall place in the ballot box or
13 ballot transfer container as many ballots as are required in
14 s. 101.21. After securely sealing the ballot box or ballot
15 transfer container, the supervisor shall send the ballot box
16 or ballot transfer container to the clerk or inspector of
17 election of the precinct in which it is to be used. The clerk
18 or inspector shall be placed under oath or affirmation to
19 perform his or her duties faithfully and without favor or
20 prejudice to any political party.

21 Section 10. Effective September 2, 2002, section
22 101.292, Florida Statutes, is amended to read:

23 101.292 Definitions; ss. 101.292-101.295.--As used in
24 ss. 101.292-101.295, the following terms shall have the
25 following meanings:

26 (1) "Governing body" means the board of county
27 commissioners of a county or any other governing body
28 empowered by general or special act or local ordinance to
29 purchase or sell voting equipment.

30 (2) "Voting equipment" means ~~new or used voting~~
31 ~~machines and materials, parts, or other equipment necessary~~

1 ~~for the maintenance or improvement of voting machines, the~~
2 ~~individual or combined retail value of which is in excess of~~
3 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~
4 ~~287.017. The term "voting equipment" also includes~~ electronic
5 or electromechanical voting systems, voting devices, and
6 automatic tabulating equipment as defined in s. 101.5603, as
7 well as materials, parts, or other equipment necessary for the
8 operation and maintenance of such systems and devices, the
9 individual or combined retail value of which is in excess of
10 the threshold amount for CATEGORY TWO purchases provided in s.
11 287.017.

12 (3) "Purchase" means a contract for the purchase,
13 lease, rental, or other acquisition of voting equipment.

14 Section 11. Effective September 2, 2002, section
15 101.34, Florida Statutes, is amended to read:

16 101.34 Custody of voting system machines.--The
17 supervisor of elections shall be the custodian of the voting
18 system machines in the county ~~using them~~, and he or she shall
19 appoint deputies necessary to prepare and supervise the voting
20 system machines prior to and during elections. The
21 compensation for such deputies shall be paid by the supervisor
22 of elections.

23 Section 12. Effective September 2, 2002, section
24 101.341, Florida Statutes, is amended to read:

25 101.341 Prohibited activities by voting system machine
26 custodians and deputy custodians.--

27 (1) No voting system machine custodian or deputy
28 custodian or other employee of the supervisor of elections,
29 which employee's duties are primarily involved with the
30 preparation, maintenance, or repair of voting equipment, may
31 ~~shall~~ accept employment or any form of consideration from any

1 person or business entity involved in the purchase, repair, or
2 sale of voting equipment unless such employment has the prior
3 written approval of the supervisor of elections of the county
4 by which such person is employed.

5 (2) Any person violating the provisions of this
6 section is guilty of a misdemeanor of the first degree,
7 punishable as provided by s. 775.082 or s. 775.083. Such
8 person shall also be subject to immediate discharge from his
9 or her position.

10 Section 13. Effective September 2, 2002, section
11 101.43, Florida Statutes, is amended to read:

12 101.43 Substitute ballot.--When ~~voting machines are~~
13 ~~used and~~ the required official ballots for a precinct are not
14 delivered in time to be used on election day, or after
15 delivery, are lost, destroyed or stolen, the clerk or other
16 officials whose duty it is to provide ballots for use at such
17 election, in lieu of the official ballots, shall have
18 substitute ballots prepared, conforming as nearly as possible
19 to the official ballots, and the board of election shall
20 substitute these ballots to be used in the same manner as the
21 official ballots would have been used at the election.

22 Section 14. Effective September 2, 2002, section
23 101.49, Florida Statutes, is amended to read:

24 101.49 Procedure of election officers where signatures
25 differ.--

26 (1) Whenever any clerk or inspector, upon a just
27 comparison of the signatures ~~signature~~, doubts ~~shall doubt~~
28 that the signature ~~handwriting~~ affixed to a ~~signature~~
29 ~~identification slip~~ of any elector who presents himself or
30 herself at the polls to vote is the same as the signature of
31 the elector affixed in the registration book, the clerk or

1 inspector shall deliver to the person an affidavit which shall
2 be in substantially the following form:

3
4 STATE OF FLORIDA,
5 COUNTY OF

6 I do solemnly swear (or affirm) that my name is;
7 that I am years old; that I was born in the State of
8; that I am registered to vote, and at the time I
9 registered I resided on Street, in the municipality of
10, County of, State of Florida; that I am a qualified
11 voter of the county and state aforesaid and have not voted in
12 this election.

13(Signature of voter)...

14 Sworn to and subscribed before me this day of
15, A. D. ...(year)....

16(Clerk or inspector of election)...

17 Precinct No.

18 County of

19

20 (2) The person shall fill out, in his or her own
21 handwriting or with assistance from a member of the election
22 board, the form and make an affidavit to the facts stated in
23 the filled-in form; such affidavit shall then be sworn to and
24 subscribed before one of the inspectors or clerks of the
25 election who is authorized to administer the oath. Whenever
26 the affidavit is made and filed with the clerk or inspector,
27 the person shall then be admitted ~~to the voting machine~~ to
28 cast his or her vote, but if the person fails or refuses to
29 make out or file such affidavit, then he or she shall not be
30 permitted to vote.

31

1 Section 15. Effective September 2, 2002, subsections
2 (4), (5), and (8) of section 101.5603, Florida Statutes, are
3 amended to read:

4 101.5603 Definitions relating to Electronic Voting
5 Systems Act.--As used in this act, the term:

6 (4) "Electronic or electromechanical voting system"
7 means a system of casting votes by use of voting devices or
8 marking devices and counting ballots by employing automatic
9 tabulating equipment or data processing equipment, and the
10 term includes touchscreen systems.

11 (5) "Marking device" means ~~either an approved~~
12 ~~apparatus used for the piercing of ballots by the voter or any~~
13 approved device for marking a ballot with ink or other
14 substance which will enable the ballot to be tabulated by
15 means of automatic tabulating equipment.

16 (8) "Voting device" means ~~either an apparatus in which~~
17 ~~ballots are inserted and used in connection with a marking~~
18 ~~device for the piercing of ballots by the voter or an~~
19 apparatus by which votes are registered electronically.

20 Section 16. Effective September 2, 2002, section
21 101.5604, Florida Statutes, is amended to read:

22 101.5604 Adoption of system; procurement of equipment;
23 commercial tabulations.--The board of county commissioners of
24 any county, at any regular meeting or a special meeting called
25 for the purpose, may, upon consultation with the supervisor of
26 elections, adopt, purchase or otherwise procure, and provide
27 for the use of any electronic or electromechanical voting
28 system approved by the Department of State in all or a portion
29 of the election precincts of that county. Thereafter the
30 electronic or electromechanical voting system may be used for
31 voting at all elections for public and party offices and on

1 all measures and for receiving, registering, and counting the
2 votes thereof in such election precincts as the governing body
3 directs. A county must use an electronic or electromechanical
4 precinct-count tabulation voting system.~~Any such board may~~
5 ~~contract for the tabulation of votes at a location within the~~
6 ~~county when there is no suitable tabulating equipment~~
7 ~~available which is owned by the county.~~

8 Section 17. Effective September 2, 2002, a voting
9 system that uses an apparatus or device for the piercing of
10 ballots by the voter may not be used in this state.

11 Section 18. Effective September 2, 2002, section
12 101.5606, Florida Statutes, is amended to read:

13 101.5606 Requirements for approval of systems.--No
14 electronic or electromechanical voting system shall be
15 approved by the Department of State unless it is so
16 constructed that:

17 (1) It permits and requires voting in secrecy.

18 (2) It permits each elector to vote at any election
19 for all persons and offices for whom and for which the elector
20 is lawfully entitled to vote, and no others; to vote for as
21 many persons for an office as the elector is entitled to vote
22 for; and to vote for or against any question upon which the
23 elector is entitled to vote.

24 (3) The automatic tabulating equipment shall be set to
25 reject a ballot and provide the elector an opportunity to
26 correct the ballot where the number of votes for an office or
27 measure exceeds the number which the voter is entitled to cast
28 or where the tabulating equipment reads the ballot as a ballot
29 with no votes cast.

30 (4)(3) For rejected ballots that voters choose to
31 cast, the automatic tabulating equipment will be set to accept

1 the ballot and reject all votes for any office or measure when
2 the number of votes therefor exceeds the number which the
3 voter is entitled to cast or when the voter is not entitled to
4 cast a vote for the office or measure.

5 (5)~~(4)~~ It is capable of correctly counting votes.

6 (6)~~(5)~~ It permits each voter at a primary election to
7 vote only for the candidates seeking nomination by the
8 political party in which such voter is registered, for any
9 candidate for nonpartisan office, and for any question upon
10 which the voter is entitled to vote.

11 (7)~~(6)~~ At presidential elections it permits each
12 elector, by one operation, to vote for all presidential
13 electors of a party or for all presidential electors of
14 candidates for President and Vice President with no party
15 affiliation.

16 (8)~~(7)~~ It provides a method for write-in voting.

17 (9)~~(8)~~ It is capable of accumulating a count of the
18 specific number of ballots tallied for a precinct,
19 accumulating total votes by candidate for each office, and
20 accumulating total votes for and against each question and
21 issue of the ballots tallied for a precinct.

22 (10)~~(9)~~ It is capable of tallying votes from ballots
23 of different political parties from the same precinct, in the
24 case of a primary election.

25 (11)~~(10)~~ It is capable of automatically producing
26 precinct totals in printed, marked, or punched form, or a
27 combination thereof.

28 (12)~~(11)~~ If it is of a type which registers votes
29 electronically, it will permit each voter to change his or her
30 vote for any candidate or upon any question appearing on the
31 official ballot up to the time that the voter takes the final

1 step to register his or her vote and to have the vote
2 computed.

3 (13)~~(12)~~ It is capable of providing records from which
4 the operation of the voting system may be audited.

5 (14) It uses a precinct-count tabulation system.

6 (15) It does not use an apparatus or device for the
7 piercing of ballots by the voter.

8 Section 19. Paragraph (b) of subsection (1) of section
9 101.5607, Florida Statutes, is amended to read:

10 101.5607 Department of State to maintain voting system
11 information; prepare software.--

12 (1)

13 (b) Within 24 hours after the completion of any logic
14 and accuracy test conducted pursuant to s. 101.5612~~(1)~~, the
15 supervisor of elections shall send by certified mail to the
16 Department of State a copy of the tabulation program which was
17 used in the logic and accuracy testing.

18 Section 20. Paragraph (b) of subsection (2) of section
19 101.5608, Florida Statutes, is amended to read:

20 101.5608 Voting by electronic or electromechanical
21 method; procedures.--

22 (2) When an electronic or electromechanical voting
23 system utilizes a ballot card or paper ballot, the following
24 procedures shall be followed:

25 (b) Any voter who spoils his or her ballot or makes an
26 error may return the ballot to the election official and
27 secure another ballot, except that in no case shall a voter be
28 furnished more than three ballots. If the vote tabulation
29 device has rejected a ballot, the ballot shall be considered
30 spoiled and a new ballot shall be provided to the voter unless
31 the voter chooses to cast the rejected ballot. The election

1 official, without examining the original ballot, shall state
2 the possible reasons for the rejection and direct the voter to
3 the instruction model provided at the precinct pursuant to s.
4 101.5611.A spoiled ballot shall be preserved, without
5 examination, in an envelope provided for that purpose. The
6 stub shall be removed from the ballot and placed in an
7 envelope.

8 Section 21. Section 101.5612, Florida Statutes, is
9 amended to read:

10 101.5612 Testing of tabulating equipment.--

11 (1) All electronic or electromechanical voting systems
12 shall be thoroughly tested at the conclusion of maintenance
13 and programming. Tests shall be sufficient to determine that
14 the voting system is properly programmed, the election is
15 correctly defined on the voting system, and all of the voting
16 system input, output, and communication devices are working
17 properly.

18 (2)~~(1)~~ On any day not more than 10 days prior to the
19 election day, the supervisor of elections shall have the
20 automatic tabulating equipment publicly tested to ascertain
21 that the equipment will correctly count the votes cast for all
22 offices and on all measures. Public notice of the time and
23 place of the test shall be given at least 48 hours prior
24 thereto by publication once in one or more newspapers of
25 general circulation in the county or, if there is no newspaper
26 of general circulation in the county, by posting such notice
27 in at least four conspicuous places in the county. The
28 supervisor or the municipal elections official may, at the
29 time of qualifying, give written notice of the time and
30 location of such public ~~the~~ preelection test to each candidate
31 qualifying with that office and obtain a signed receipt that

1 such notice has been given. The Department of State shall
2 give written notice to each statewide candidate at the time of
3 qualifying, or immediately at the end of qualifying, that the
4 voting equipment will be tested and advise each such candidate
5 to contact the county supervisor of elections as to the time
6 and location of the public preelection test ~~pretest~~. The
7 supervisor or the municipal elections official shall, at least
8 15 days prior to an election, send written notice by certified
9 mail to the county party chair of each political party and to
10 all candidates for other than statewide office whose names
11 appear on the ballot in the county and who did not receive
12 written notification from the supervisor or municipal
13 elections official at the time of qualifying, stating the time
14 and location of the public preelection test of the automatic
15 tabulating equipment. The canvassing board shall convene, and
16 each member of the canvassing board shall certify to the
17 accuracy of the test. For the test, the canvassing board may
18 designate one member to represent it. The test shall be open
19 to representatives of the political parties, the press, and
20 the public. Each political party may designate one person
21 with expertise in the computer field who shall be allowed in
22 the central counting room when all tests are being conducted
23 and when the official votes are being counted. Such designee
24 shall not interfere with the normal operation of the
25 canvassing board.

26 (3) For electronic or electromechanical voting systems
27 configured to tabulate absentee ballots at a central or
28 regional site, the public testing shall be conducted by
29 processing a preaudited group of ballots so produced as to
30 record a predetermined number of valid votes for each
31 candidate and on each measure and to include one or more

1 ballots for each office which have activated voting positions
2 in excess of the number allowed by law in order to test the
3 ability of the automatic tabulating equipment to reject such
4 votes. If any error is detected, the cause therefor shall be
5 corrected and an errorless count shall be made before the
6 automatic tabulating equipment is approved. The test shall be
7 repeated and errorless results achieved immediately before the
8 start of the official count of the ballots and again after the
9 completion of the official count. The programs and ballots
10 used for testing shall be sealed and retained under the
11 custody of the county canvassing board.

12 (4)(a)1. For electronic or electromechanical voting
13 systems configured to include electronic or electromechanical
14 tabulation devices which are distributed to the precincts, all
15 or a sample of the devices to be used in the election shall be
16 publicly tested. If a sample is to be tested, the sample
17 shall consist of a random selection of at least 5 percent or
18 10 of the devices, whichever is greater. The test shall be
19 conducted by processing a group of ballots, causing the device
20 to output results for the ballots processed, and comparing the
21 output of results to the results expected for the ballots
22 processed. The group of ballots shall be produced so as to
23 record a predetermined number of valid votes for each
24 candidate and on each measure and to include for each office
25 one or more ballots which have activated voting positions in
26 excess of the number allowed by law in order to test the
27 ability of the tabulating device to reject such votes.

28 2. If any tested tabulating device is found to have an
29 error in tabulation, it shall be deemed unsatisfactory. For
30 each device deemed unsatisfactory, the canvassing board shall
31 take steps to determine the cause of the error, shall attempt

1 to identify and test other devices that could reasonably be
2 expected to have the same error, and shall test a number of
3 additional devices sufficient to determine that all devices
4 are satisfactory. Upon deeming any device unsatisfactory, the
5 canvassing board may require all devices to be tested or may
6 declare that all devices are unsatisfactory.

7 3. If the operation or output of any tested tabulation
8 device, such as spelling or the order of candidates on a
9 report, is in error, such problem shall be reported to the
10 canvassing board. The canvassing board shall then determine
11 if the reported problem warrants its deeming the device
12 unsatisfactory.

13 (b) At the completion of testing under this
14 subsection, the canvassing board or its representative, the
15 representatives of the political parties, and the candidates
16 or their representatives who attended the test shall witness
17 the resetting of each device that passed to a preelection
18 state of readiness and the sealing of each device that passed
19 in such a manner as to secure its state of readiness until the
20 opening of the polls.

21 (c) The canvassing board or its representative shall
22 execute a written statement setting forth the tabulation
23 devices tested, the results of the testing, the protective
24 counter numbers, if applicable, of each tabulation device, the
25 number of the seal securing each tabulation device at the
26 conclusion of testing, any problems reported to the board as a
27 result of the testing, and whether each device tested is
28 satisfactory or unsatisfactory.

29 (d) Any tabulating device deemed unsatisfactory shall
30 be reprogrammed, repaired, or replaced and shall be made
31 available for retesting. Such device must be determined by

1 the canvassing board or its representative to be satisfactory
2 before it may be used in any election. The canvassing board
3 or its representative shall announce at the close of the first
4 testing the date, place, and time that any unsatisfactory
5 device will be retested or may, at the option of the board,
6 notify by telephone each person who was present at the first
7 testing as to the date, place, and time that the retesting
8 will occur.

9 (e) Records must be kept of all preelection testing of
10 electronic or electromechanical tabulation devices used in any
11 election. Such records are to be present and available for
12 inspection and reference during public preelection testing by
13 any person in attendance during such testing. The need of the
14 canvassing board for access to such records during the testing
15 shall take precedence over the need of other attendees to
16 access such records so that the work of the canvassing board
17 will not be delayed or hindered. Records of testing must
18 include, for each device, the name of each person who tested
19 the device and the date, place, time, and results of each
20 test. Records of testing shall be retained as part of the
21 official records of the election in which any device was used.

22 ~~(2) The test shall be conducted by processing a~~
23 ~~preaudited group of ballots so produced as to record a~~
24 ~~predetermined number of valid votes for each candidate and on~~
25 ~~each measure and shall include for each office one or more~~
26 ~~ballots which have votes in excess of the number allowed by~~
27 ~~law in order to test the ability of the automatic tabulating~~
28 ~~equipment to reject such votes. If any error is detected, the~~
29 ~~cause therefor shall be ascertained and corrected and an~~
30 ~~errorless count shall be made before the automatic tabulating~~
31 ~~equipment is approved. The test shall be repeated immediately~~

1 ~~before the start of the official count of the ballots in the~~
2 ~~same manner as set forth above. After the completion of the~~
3 ~~count, the test shall be repeated. The programs and ballots~~
4 ~~used shall be sealed and retained under the custody of the~~
5 ~~county canvassing board.~~

6 Section 22. Effective September 2, 2002, subsections
7 (1), (2), (3), and (7) of section 101.5614, Florida Statutes,
8 as amended by this act, are amended to read:

9 101.5614 Canvass of returns.--

10 (1)~~(a)~~ In precincts in which an electronic or
11 electromechanical voting system is used, as soon as the polls
12 are closed, the election board shall secure the voting devices
13 against further voting. The election board shall thereafter
14 open the ballot box in the presence of members of the public
15 desiring to witness the proceedings and count the number of
16 voted ballots, unused ballots, provisional ballots, and
17 spoiled ballots to ascertain whether such number corresponds
18 with the number of ballots issued by the supervisor. If there
19 is a difference, this fact shall be reported in writing to the
20 county canvassing board with the reasons therefor if known.
21 The total number of voted ballots shall be entered on the
22 forms provided. The proceedings of the election board at the
23 precinct after the polls have closed shall be open to the
24 public; however, no person except a member of the election
25 board shall touch any ballot or ballot container or interfere
26 with or obstruct the orderly count of the ballots.

27 ~~(b) In lieu of opening the ballot box at the precinct,~~
28 ~~the supervisor may direct the election board to keep the~~
29 ~~ballot box sealed and deliver it to a central or regional~~
30 ~~counting location. In this case, the election board shall~~
31

1 ~~count the stubs removed from the ballots to determine the~~
2 ~~number of voted ballots.~~

3 ~~(2)(a) If the ballots are to be tallied at a central~~
4 ~~location or at no more than three regional locations, the~~
5 ~~election board shall place all ballots that have been cast and~~
6 ~~the unused, void, provisional, and defective ballots in the~~
7 ~~container or containers provided for this purpose, which shall~~
8 ~~be sealed and delivered forthwith to the central or regional~~
9 ~~counting location or other designated location by two~~
10 ~~inspectors who shall not, whenever possible, be of the same~~
11 ~~political party. The election board shall certify that the~~
12 ~~ballots were placed in such container or containers and each~~
13 ~~container was sealed in its presence and under its~~
14 ~~supervision, and it shall further certify to the number of~~
15 ~~ballots of each type placed in the container or containers.~~

16 ~~(2)(b) If ballots are to be counted at the precincts,~~
17 ~~such ballots shall be counted pursuant to rules adopted by The~~
18 ~~Department of State, which rules shall, in accordance with s.~~
19 ~~101.015, adopt rules that provide safeguards which conform as~~
20 ~~nearly as practicable to the safeguards provided in the~~
21 ~~procedures for the counting of votes at a precinct and at a~~
22 ~~central or regional location.~~

23 ~~(3)(a) All proceedings at the central or regional~~
24 ~~counting location or other designated location shall be under~~
25 ~~the direction of the county canvassing board and shall be open~~
26 ~~to the public, but no person except a person employed and~~
27 ~~authorized for the purpose shall touch any ballot or ballot~~
28 ~~container, any item of automatic tabulating equipment, or any~~
29 ~~return prior to its release. If the ballots are tabulated at~~
30 ~~regional locations, one member of the canvassing board or a~~
31 ~~person designated by the board to represent it shall be~~

1 ~~present at each location during the testing of the counting~~
2 ~~equipment and the tabulation of the ballots.~~

3 (3)(b) The results of ff ballots are tabulated at
4 precinct ~~regional~~ locations, the results of such election may
5 be transmitted ~~via dedicated teleprocessing lines~~ to the main
6 computer system for the purpose of compilation of complete
7 returns. The security guidelines for transmission of returns
8 ~~by dedicated teleprocessing lines~~ shall conform to rules
9 adopted by the Department of State pursuant to s. 101.015.

10 (7) Absentee ballots may be counted by automatic
11 tabulating equipment if they have been ~~punched or~~ marked in a
12 manner which will enable them to be properly counted by such
13 equipment.

14 Section 23. Effective September 2, 2002, section
15 101.58, Florida Statutes, is amended to read:

16 101.58 Supervising and observing registration and
17 election processes.--The Department of State may, at any time
18 it deems fit; upon the petition of 5 percent of the registered
19 electors; or upon the petition of any candidate, county
20 executive committee chair, state committeeman or
21 committeewoman, or state executive committee chair, appoint
22 one or more deputies whose duties shall be to observe and
23 examine the registration and election processes and the
24 condition, custody, and operation of voting systems and
25 equipment ~~machines~~ in any county or municipality. The deputy
26 shall have access to all registration books and records as
27 well as any other records or procedures relating to the voting
28 process. The deputy may supervise preparation of the voting
29 equipment ~~election machines~~ and procedures for election, and
30 it shall be unlawful for any person to obstruct the deputy in
31 the performance of his or her duty. The deputy shall file with

1 the Department of State a report of his or her findings and
2 observations of the registration and election processes in the
3 county or municipality, and a copy of the report shall also be
4 filed with the clerk of the circuit court of said county. The
5 compensation of such deputies shall be fixed by the Department
6 of State; and costs incurred under this section shall be paid
7 from the annual operating appropriation made to the Department
8 of State.

9 Section 24. Section 101.595, Florida Statutes, is
10 created to read:

11 101.595 Analysis and reports of voter error.--

12 (1) No later than December 15 of each general election
13 year, the supervisor of elections in each county shall report
14 on voter errors to the Department of State, along with the
15 likely reasons for the errors and other information as may be
16 useful in evaluating the performance of the voting system and
17 identifying problems with ballot design and instructions which
18 may have contributed to voter confusion.

19 (2) The Department of State, upon receipt of such
20 information, shall prepare a public report on the performance
21 of each type of voting system. The report must contain, but
22 is not limited to, the following information:

23 (a) An identification of problems with the ballot
24 design or instructions which may have contributed to voter
25 confusion;

26 (b) An identification of voting system design
27 problems; and

28 (c) Recommendations for correcting any problems
29 identified.

30 (3) The Department of State shall submit the report to
31 the Governor, the President of the Senate, and the Speaker of

1 the House of Representatives by January 31 of each year
2 following a general election.

3 Section 25. Effective September 2, 2002, subsection
4 (2) of section 101.71, Florida Statutes, is amended to read:
5 101.71 Polling place.--

6 (2) Notwithstanding the provisions of subsection (1),
7 whenever the supervisor of elections of any county determines
8 that the accommodations for holding any election at a polling
9 place designated for any precinct in the county are
10 unavailable or are inadequate for the expeditious and
11 efficient housing and handling of voting and voting
12 paraphernalia, ~~including voting machines where used,~~the
13 supervisor may provide, not less than 30 days prior to the
14 holding of an election, that the voting place for such
15 precinct shall be moved to another site which shall be
16 accessible to the public on election day in said precinct or,
17 if such is not available, to another site which shall be
18 accessible to the public on election day in a contiguous
19 precinct. If such action of the supervisor results in the
20 voting place for two or more precincts being located for the
21 purposes of an election in one building, the voting places for
22 the several precincts involved shall be established and
23 maintained separate from each other in said building. When
24 any supervisor moves any polling place pursuant to this
25 subsection, the supervisor shall, not more than 30 days or
26 fewer than 7 days prior to the holding of an election, give
27 notice of the change of the polling place for the precinct
28 involved, with clear description of the voting place to which
29 changed, at least once in a newspaper of general circulation
30 in said county. A notice of the change of the polling place
31 involved shall be mailed, at least 14 days prior to an

1 election, to each registered elector or to each household in
2 which there is a registered elector.

3 Section 26. Subsection (1) of section 101.75, Florida
4 Statutes, is amended to read:

5 101.75 Municipal elections; change of dates for
6 cause.--

7 (1) In any municipality, when the date of the
8 municipal election falls on the same date as any statewide or
9 county election and the voting devices of the voting system
10 used in the county ~~machines~~ are not available for both
11 elections, the municipality may provide that the municipal
12 election may be held within 30 days prior to or subsequent to
13 the statewide or county election.

14 Section 27. Effective September 2, 2002, subsections
15 (4) and (7) of section 102.012, Florida Statutes, are amended
16 to read:

17 102.012 Inspectors and clerks to conduct elections.--

18 (4)(a) The election board of each precinct shall
19 attend the polling place by 6 a.m. of the day of the election
20 and shall arrange the furniture, stationery, and voting
21 equipment.

22 (b) An election board shall conduct the voting,
23 beginning and closing at the time set forth in s. 100.011. If
24 more than one board has been appointed, the second board
25 shall, upon the closing of the polls, come on duty and count
26 the votes cast. In such case, the first board shall turn over
27 to the second board all closed ballot boxes, registration
28 books, and other records of the election at the time the
29 boards change. The second board shall continue counting until
30 the count is complete or until 7 a.m. the next morning, and,
31 if the count is not completed at that time, the first board

1 that conducted the election shall again report for duty and
 2 complete the count. The second board shall turn over to the
 3 first board all ballots counted, all ballots not counted, and
 4 all registration books and other records and shall advise the
 5 first board as to what has transpired in tabulating the
 6 results of the election.

7 ~~(7) For any precinct using voting machines, there~~
 8 ~~shall be one election board appointed, plus an additional~~
 9 ~~inspector for each machine in excess of one; however, the~~
 10 ~~supervisor of elections may appoint a greater number of~~
 11 ~~additional inspectors than required by this subsection.~~

12 Section 28. Subsections (8) and (9) of section
 13 103.101, Florida Statutes, are amended to read:

14 103.101 Presidential preference primary.--

15 (8) All names of candidates or delegates shall be
 16 listed as directed by the Department of State. ~~The ballot as~~
 17 ~~prescribed in this section shall be used.~~

18 ~~(9) The presidential preference primary ballot shall~~
 19 ~~be in substantially the following form:~~

20
 21 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
 22 ~~PRIMARY BALLOT~~

23
 24 No. Party

25 ~~....COUNTY, FLORIDA~~

26
 27 ~~Precinct No.~~

28
 29 ~~...(Date)...~~
 30
 31

1 ~~...(Signature of Voter)...~~ ~~...(Initials of Issuing~~
2 ~~Official)...~~
3
4 ~~Stub No. 1~~
5
6 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
7 ~~PRIMARY BALLOT~~
8
9 ~~No. Party~~
10 ~~....COUNTY, FLORIDA~~
11
12 ~~Precinct No.~~
13
14 ~~...(Date)...~~
15
16 ~~...(Initials of Issuing Official)...~~
17
18 ~~Stub No. 2~~
19
20 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
21 ~~PRIMARY BALLOT~~
22
23 ~~.... Party~~
24 ~~....COUNTY, FLORIDA~~
25
26 ~~Precinct No.~~
27
28 ~~...(Date)...~~
29
30 ~~Place a cross (X) in the blank space to the right of the name~~
31 ~~of the presidential candidate for whom you wish to vote,~~

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~~For President~~

~~...(Name of Candidate)...~~

~~...(Name of Candidate)...~~

~~or place a cross (X) in the blank space to the right of the
name of the delegate(s) for whom you wish to vote.~~

~~...(Name of Delegate)...~~ ~~...(Name of Candidate)...~~

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting system ~~machine~~; unlawful possession; tampering.--

(1) Any unauthorized person who unlawfully has possession of any voting system, components,~~machine~~ or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment ~~machine~~ with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Effective September 2, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.--The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county,

1 a suitable ballot to be used in the ~~said~~ election, the ~~said~~
2 ballot to contain, in alphabetical order, the names of all
3 such towns, villages, and cities, and no other places shall be
4 printed on the ~~said ballots; provided, that in counties where~~
5 ~~the use of voting machines is now or may hereafter be~~
6 ~~authorized by law, the requirements of this section shall,~~
7 ~~insofar as practicable, be adapted to the use of said voting~~
8 ~~machines.~~

9 Section 31. Paragraph (c) of subsection (1) of section
10 582.18, Florida Statutes, is amended to read:

11 582.18 Election of supervisors of each district.--

12 (1)

13 (c) The names of all nominees on behalf of whom such
14 nominating petitions have been filed shall appear upon ballots
15 in accordance with the general election laws. All qualified
16 electors residing within the district shall be eligible to
17 vote in such election. The candidates who receive the largest
18 number of the votes cast from each group of candidates, ~~as~~
19 ~~provided in s. 100.071,~~ in such election shall be the elected
20 supervisors from such group for such district. In the case of
21 a newly created district participating in a regular election
22 for the first time, three groups of candidates shall be
23 elected for terms of 4 years, and two groups shall be elected
24 for initial terms of 2 years. Each candidate elected shall
25 assume office on the first Tuesday after the first Monday in
26 January following the election.

27 Section 32. Sections 100.071, 101.141, 101.181,
28 101.191, 101.251, and 101.5609, Florida Statutes, are
29 repealed.

30 Section 33. Effective September 2, 2002, sections
31 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,

1 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45,
2 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes,
3 are repealed.

4 Section 34. Section 97.021, Florida Statutes, is
5 amended to read:

6 97.021 Definitions.--For the purposes of this code,
7 except where the context clearly indicates otherwise, the
8 term:

9 (1) "Absent elector" means any registered and
10 qualified voter who casts an absentee ballot.+

11 ~~(a) Is unable without another's assistance to attend~~
12 ~~the polls.~~

13 ~~(b) Is an inspector, a poll worker, a deputy voting~~
14 ~~machine custodian, a deputy sheriff, a supervisor of~~
15 ~~elections, or a deputy supervisor who is assigned to a~~
16 ~~different precinct than that in which he or she is registered~~
17 ~~to vote.~~

18 ~~(c) On account of the tenets of his or her religion,~~
19 ~~cannot attend the polls on the day of the general, special, or~~
20 ~~primary election.~~

21 ~~(d) May not be in the precinct of his or her residence~~
22 ~~during the hours the polls are open for voting on the day of~~
23 ~~the election.~~

24 ~~(e) Has changed his or her residency to another county~~
25 ~~in this state within the time period during which the~~
26 ~~registration books are closed for the election for which the~~
27 ~~ballot is requested.~~

28 ~~(f) Has changed his or her residency to another state~~
29 ~~and is ineligible under the laws of that state to vote in the~~
30 ~~general election; however, this pertains only to presidential~~
31 ~~ballots.~~

1 (2) "Ballot" or "official ballot" when used in
2 reference to:

3 (a) "Voting machines," except when reference is made
4 to write-in ballots, means that portion of the printed strips
5 of cardboard, paper, or other material that is within the
6 ballot frames containing the names of candidates, or a
7 statement of a proposed constitutional amendment or other
8 question or proposition submitted to the electorate at any
9 election.

10 (b) "Paper ballots" means that printed sheet of paper
11 containing the names of candidates, or a statement of proposed
12 constitutional amendments or other questions or propositions
13 submitted to the electorate at any election, on which sheet of
14 paper an elector casts his or her vote.

15 (c) "Electronic or electromechanical devices" means a
16 ballot which is voted by the process of punching or marking
17 with a marking device for tabulation by automatic tabulating
18 equipment or data processing equipment.

19 (3) "Candidate" means any person to whom any one or
20 more of the following applies:

21 (a) Any person who seeks to qualify for nomination or
22 election by means of the petitioning process.

23 (b) Any person who seeks to qualify for election as a
24 write-in candidate.

25 (c) Any person who receives contributions or makes
26 expenditures, or gives his or her consent for any other person
27 to receive contributions or make expenditures, with a view to
28 bringing about his or her nomination or election to, or
29 retention in, public office.

30 (d) Any person who appoints a treasurer and designates
31 a primary depository.

1 (e) Any person who files qualification papers and
2 subscribes to a candidate's oath as required by law.

3
4 However, this definition does not include any candidate for a
5 political party executive committee.

6 (4) "Central voter file" means a statewide, centrally
7 maintained database containing voter registration information
8 of all counties in this state.

9 (5) "Department" means the Department of State.

10 (6) "Division" means the Division of Elections of the
11 Department of State.

12 (7) "Election" means any primary election, special
13 primary election, special election, general election, or
14 presidential preference primary election.

15 (8) "Election board" means the clerk and inspectors
16 appointed to conduct an election.

17 (9) "Election costs" shall include, but not be limited
18 to, expenditures for all paper supplies such as envelopes,
19 instructions to voters, affidavits, reports, ballot cards,
20 ballot booklets for absentee voters, postage, notices to
21 voters; advertisements for registration book closings, testing
22 of voting equipment, sample ballots, and polling places; forms
23 used to qualify candidates; polling site rental and equipment
24 delivery and pickup; data processing time and supplies;
25 election records retention; and labor costs, including those
26 costs uniquely associated with absentee ballot preparation,
27 poll workers, and election night canvass.

28 (10) "Elector" is synonymous with the word "voter" or
29 "qualified elector or voter," except where the word is used to
30 describe presidential electors.

31

1 (11) "General election" means an election held on the
2 first Tuesday after the first Monday in November in the
3 even-numbered years, for the purpose of filling national,
4 state, county, and district offices and for voting on
5 constitutional amendments not otherwise provided for by law.

6 (12) "Lists of registered electors" means copies of
7 printed lists of registered electors, computer tapes or disks,
8 or any other device used by the supervisor of elections to
9 maintain voter records.

10 (13) "Member of the Merchant Marine" means an
11 individual, other than a member of a uniformed service or an
12 individual employed, enrolled, or maintained on the Great
13 Lakes for the inland waterways, who is:

14 (a) Employed as an officer or crew member of a vessel
15 documented under the laws of the United States, a vessel owned
16 by the United States, or a vessel of foreign-flag registry
17 under charter to or control of the United States; or

18 (b) Enrolled with the United States for employment or
19 training for employment, or maintained by the United States
20 for emergency relief service, as an officer or crew member of
21 such vessel.

22 ~~(14)~~~~(13)~~ "Minor political party" is any group as
23 defined in this subsection which on January 1 preceding a
24 primary election does not have registered as members 5 percent
25 of the total registered electors of the state. Any group of
26 citizens organized for the general purposes of electing to
27 office qualified persons and determining public issues under
28 the democratic processes of the United States may become a
29 minor political party of this state by filing with the
30 department a certificate showing the name of the organization,
31 the names of its current officers, including the members of

1 its executive committee, and a copy of its constitution or
2 bylaws. It shall be the duty of the minor political party to
3 notify the department of any changes in the filing certificate
4 within 5 days of such changes.

5 (15)~~(14)~~ "Newspaper of general circulation" means a
6 newspaper printed in the language most commonly spoken in the
7 area within which it circulates and which is readily available
8 for purchase by all inhabitants in the area of circulation,
9 but does not include a newspaper intended primarily for
10 members of a particular professional or occupational group, a
11 newspaper the primary function of which is to carry legal
12 notices, or a newspaper that is given away primarily to
13 distribute advertising.

14 (16)~~(15)~~ "Nominal value" means having a retail value
15 of \$10 or less.

16 (17)~~(16)~~ "Nonpartisan office" means an office for
17 which a candidate is prohibited from campaigning or qualifying
18 for election or retention in office based on party
19 affiliation.

20 (18)~~(17)~~ "Office that serves persons with
21 disabilities" means any state office that takes applications
22 either in person or over the telephone from persons with
23 disabilities for any program, service, or benefit primarily
24 related to their disabilities.

25 (19) "Overseas voter" means:

26 (a) Members of the uniformed services while in the
27 active service who are permanent residents of the state and
28 are temporarily residing outside the territorial limits of the
29 United States and the District of Columbia;

30 (b) Members of the Merchant Marine of the United
31 States who are permanent residents of the state and are

1 temporarily residing outside the territorial limits of the
2 United States and the District of Columbia; and

3 (c) Other citizens of the United States who are
4 permanent residents of the state and are temporarily residing
5 outside the territorial limits of the United States and the
6 District of Columbia,

7
8 who are qualified and registered to vote as provided by law.

9 (20) "Overvote" means that the elector marks or
10 designates more names than there are persons to be elected to
11 an office or designates more than one answer to a ballot
12 question, and the tabulator records no vote for the office or
13 question.

14 (21)~~(18)~~ "Persons with disabilities" means individuals
15 who have a physical or mental impairment that substantially
16 limits one or more major life activities.

17 (22)~~(19)~~ "Polling place" is the building which
18 contains the polling room where ballots are cast.

19 (23)~~(20)~~ "Polling room" means the actual room in which
20 ballots are cast.

21 (24)~~(21)~~ "Primary election" means an election held
22 preceding the general election for the purpose of nominating a
23 party nominee to be voted for in the general election to fill
24 a national, state, county, or district office. The first
25 primary is a nomination or elimination election; the second
26 primary is a nominating election only.

27 (25) "Provisional ballot" means a ballot issued to a
28 voter by the election board at the polling place on election
29 day for one of the following reasons:

30
31

1 (a) The voter's name does not appear on the precinct
2 register and verification of the voter's eligibility cannot be
3 determined; or

4 (b) There is an indication on the precinct register
5 that the voter has requested an absentee ballot and there is
6 no indication whether the voter has returned the absentee
7 ballot.

8 ~~(26)(22)~~ "Public assistance" means assistance provided
9 through the food stamp program; the Medicaid program; the
10 Special Supplemental Food Program for Women, Infants, and
11 Children; and the WAGES Program.

12 ~~(27)(23)~~ "Public office" means any federal, state,
13 county, municipal, school, or other district office or
14 position which is filled by vote of the electors.

15 ~~(28)(24)~~ "Qualifying educational institution" means
16 any public or private educational institution receiving state
17 financial assistance which has, as its primary mission, the
18 provision of education or training to students who are at
19 least 18 years of age, provided such institution has more than
20 200 students enrolled in classes with the institution and
21 provided that the recognized student government organization
22 has requested this designation in writing and has filed the
23 request with the office of the supervisor of elections in the
24 county in which the institution is located.

25 ~~(29)(25)~~ "Special election" is a special election
26 called for the purpose of voting on a party nominee to fill a
27 vacancy in the national, state, county, or district office.

28 ~~(30)(26)~~ "Special primary election" is a special
29 nomination election designated by the Governor, called for the
30 purpose of nominating a party nominee to be voted on in a
31 general or special election.

1 ~~(31)(27)~~ "Supervisor" means the supervisor of
2 elections.

3 (32) "Undervote" means that the elector does not
4 properly designate any choice for an office or ballot
5 question, and the tabulator records no vote for the office or
6 question.

7 (33) "Uniformed services" means the Army, Navy, Air
8 Force, Marine Corps, and Coast Guard, the commissioned corps
9 of the Public Health Service, and the commissioned corps of
10 the National Oceanic and Atmospheric Administration.

11 ~~(34)(28)~~ "Voter registration agency" means any office
12 that provides public assistance, any office that serves
13 persons with disabilities, any center for independent living,
14 or any public library.

15 ~~(35)(29)~~ "Voting booth" or "booth" means that booth or
16 enclosure wherein an elector casts his or her ballot, be it a
17 paper ballot, a voting machine ballot, or a ballot cast for
18 tabulation by an electronic or electromechanical device.

19 ~~(36)(30)~~ "Voting system" means a method of casting and
20 processing votes that functions wholly or partly by use of
21 mechanical, electromechanical, or electronic apparatus or by
22 use of paper ballots and includes, but is not limited to, the
23 procedures for casting and processing votes and the programs,
24 operating manuals, tabulating cards, printouts, and other
25 software necessary for the system's operation.

26 Section 35. Section 101.048, Florida Statutes, is
27 created to read:

28 101.048 Provisional ballots.--

29 (1) At all elections, a voter claiming to be properly
30 registered in the county and eligible to vote at the precinct
31 in the election, but whose eligibility cannot be determined,

1 shall be entitled to vote a provisional ballot. Once voted,
2 the provisional ballot shall be placed in a secrecy envelope
3 and thereafter sealed in a provisional ballot envelope. The
4 provisional ballot shall be deposited in a ballot box. All
5 provisional ballots shall remain sealed in their envelopes for
6 return to the supervisor of elections.

7 (2)(a) The county canvassing board shall examine each
8 provisional ballot to determine if the person voting that
9 ballot was entitled to vote at the precinct in the election
10 and that the person had not already cast a ballot in the
11 election.

12 (b)1. If it is determined that the person was
13 registered and entitled to vote at the precinct in the
14 election, the canvassing board shall compare the signature on
15 the provisional ballot envelope with the signature on the
16 voter's registration and, if it matches, shall count the
17 ballot.

18 2. If it is determined that the person voting the
19 provisional ballot was not registered or entitled to vote at
20 the precinct in the election, the provisional ballot shall not
21 be counted and the ballot shall remain in the envelope
22 containing the Provisional Ballot Voter's Certificate and the
23 envelope marked "Rejected as Illegal."

24 (3) The Provisional Ballot Voter's Certificate shall
25 be in substantially the following form:

26
27 STATE OF FLORIDA

28 COUNTY OF

29
30 I do solemnly swear (or affirm) that my name is;
31 that my date of birth is; that I am registered to vote

1
2 Under penalties for false swearing, I, ...(Name of voter)...,
3 swear (or affirm) that the former address of my legal
4 residence was ...(Address of legal residence)... in the
5 municipality of, in County, Florida, and I was
6 registered to vote in the precinct of County,
7 Florida; that I have not voted in the precinct of my former
8 registration in this election; that I now reside at
9 ...(Address of legal residence)... in the Municipality of
10, in County, Florida, and am therefore eligible to
11 vote in the precinct of County, Florida; and I
12 further swear (or affirm) that I am otherwise legally
13 registered and entitled to vote.

14
15 ...(Signature of voter whose address of legal residence has
16 changed)...

17
18 (b) An elector whose name changes because of marriage
19 or other legal process may be permitted to vote, provided such
20 elector completes an affirmation in substantially the
21 following form:

22
23 Change of Name of Registered
24 Voter

25
26 Under penalties for false swearing, I, ...(New name of
27 voter)..., swear (or affirm) that my name has been changed
28 because of marriage or other legal process. My former name and
29 address of legal residence appear on the registration books of
30 precinct as follows:
31 Name.....

1 Address.....
 2 Municipality.....
 3 County.....
 4 Florida, Zip.....
 5 My present name and address of legal residence are as follows:
 6 Name.....
 7 Address.....
 8 Municipality.....
 9 County.....
 10 Florida, Zip.....
 11 and I further swear (or affirm) that I am otherwise legally
 12 registered and entitled to vote.

13
 14 ...(Signature of voter whose name has changed)...

15
 16 (c) Such affirmation, when completed and presented at
 17 the precinct in which such elector is entitled to vote, and
 18 upon verification of the elector's registration, shall entitle
 19 such elector to vote as provided in this subsection. If the
 20 elector's eligibility to vote cannot be determined, he or she
 21 shall be entitled to vote a provisional ballot, subject to the
 22 requirements and procedures in s. 101.048. Upon receipt of an
 23 affirmation certifying a change in address of legal residence
 24 or name, the supervisor shall as soon as practicable make the
 25 necessary changes in the registration records of the county to
 26 indicate the change in address of legal residence or name of
 27 such elector.

28 (d) Instead of the affirmation contained in paragraph
 29 (a) or paragraph (b), an elector may complete a voter
 30 registration application that indicates the change of name or
 31 change of address of legal residence.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 (e) A request for an absentee ballot pursuant to s.
2 101.62 which indicates that the elector has had a change of
3 address of legal residence from that in the supervisor's
4 records shall be sufficient as the notice to the supervisor of
5 change of address of legal residence required by this section.
6 Upon receipt of such request for an absentee ballot from an
7 elector who has changed his or her address of legal residence,
8 the supervisor shall provide the elector with the proper
9 ballot for the precinct in which the elector then has his or
10 her legal residence.

11 (3) When an elector's name does not appear on the
12 registration books of the election precinct in which the
13 elector is registered ~~and when the elector cannot present a~~
14 ~~valid registration identification card~~, the elector may have
15 his or her name restored if the supervisor is otherwise
16 satisfied that the elector is validly registered, that the
17 elector's name has been erroneously omitted from the books,
18 and that the elector is entitled to have his or her name
19 restored. The supervisor, if he or she is satisfied as to the
20 elector's previous registration, shall allow such person to
21 vote and shall thereafter issue a duplicate registration
22 identification card.

23 Section 37. Subsections (1), (2), (5), (6), and (8) of
24 section 101.5614, Florida Statutes, are amended, and
25 subsection (9) is added to said section to read:

26 101.5614 Canvass of returns.--

27 (1)(a) In precincts in which an electronic or
28 electromechanical voting system is used, as soon as the polls
29 are closed, the election board shall secure the voting devices
30 against further voting. The election board shall thereafter
31 open the ballot box in the presence of members of the public

1 desiring to witness the proceedings and count the number of
2 voted ballots, unused ballots, provisional ballots, and
3 spoiled ballots to ascertain whether such number corresponds
4 with the number of ballots issued by the supervisor. If there
5 is a difference, this fact shall be reported in writing to the
6 county canvassing board with the reasons therefor if known.
7 The total number of voted ballots shall be entered on the
8 forms provided. The proceedings of the election board at the
9 precinct after the polls have closed shall be open to the
10 public; however, no person except a member of the election
11 board shall touch any ballot or ballot container or interfere
12 with or obstruct the orderly count of the ballots.

13 (b) In lieu of opening the ballot box at the precinct,
14 the supervisor may direct the election board to keep the
15 ballot box sealed and deliver it to a central or regional
16 counting location. In this case, the election board shall
17 count the stubs removed from the ballots to determine the
18 number of voted ballots.

19 (2)(a) If the ballots are to be tallied at a central
20 location or at no more than three regional locations, the
21 election board shall place all ballots that have been cast and
22 the unused, void, provisional, and defective ballots in the
23 container or containers provided for this purpose, which shall
24 be sealed and delivered forthwith to the central or regional
25 counting location or other designated location by two
26 inspectors who shall not, whenever possible, be of the same
27 political party. The election board shall certify that the
28 ballots were placed in such container or containers and each
29 container was sealed in its presence and under its
30 supervision, and it shall further certify to the number of
31 ballots of each type placed in the container or containers.

1 (b) If ballots are to be counted at the precincts,
2 such ballots shall be counted pursuant to rules adopted by the
3 Department of State, which rules shall provide safeguards
4 which conform as nearly as practicable to the safeguards
5 provided in the procedures for the counting of votes at a
6 central location.

7 (5) If any ballot card of the type for which the
8 offices and measures are not printed directly on the card is
9 damaged or defective so that it cannot properly be counted by
10 the automatic tabulating equipment, a true duplicate copy
11 shall be made of the damaged ballot card in the presence of
12 witnesses and substituted for the damaged ballot. Likewise, a
13 duplicate ballot card shall be made of a defective ballot
14 which shall not include the invalid votes. All duplicate
15 ballot cards shall be clearly labeled "duplicate," bear a
16 serial number which shall be recorded on the damaged or
17 defective ballot card, and be counted in lieu of the damaged
18 or defective ballot. If any ballot card of the type for which
19 offices and measures are printed directly on the card is
20 damaged or defective so that it cannot properly be counted by
21 the automatic tabulating equipment, a true duplicate copy may
22 be made of the damaged ballot card in the presence of
23 witnesses and in the manner set forth above, or the valid
24 votes on the damaged ballot card may be manually counted at
25 the counting center by the canvassing board, whichever
26 procedure is best suited to the system used. If any paper
27 ballot is damaged or defective so that it cannot be counted
28 properly by the automatic tabulating equipment, the ballot
29 shall be counted manually at the counting center by the
30 canvassing board. The totals for all such ballots or ballot
31 cards counted manually shall be added to the totals for the

1 several precincts or election districts. No vote shall be
2 declared invalid or void if there is a clear indication on the
3 ballot that the voter has made a definite choice ~~of the intent~~
4 ~~of the voter~~ as determined by the canvassing board. After
5 duplicating a ballot, the defective ballot shall be placed in
6 an envelope provided for that purpose, and the duplicate
7 ballot shall be tallied with the other ballots for that
8 precinct.

9 (6) If there is no clear indication on the ballot that
10 the voter has made a definite choice for an office or ballot
11 measure ~~if an elector marks more names than there are persons~~
12 ~~to be elected to an office or if it is impossible to determine~~
13 ~~the elector's choice~~, the elector's ballot shall not be
14 counted for that office or measure, but the ballot shall not
15 be invalidated as to those names or measures which are
16 properly marked.

17 (8) The return printed by the automatic tabulating
18 equipment, to which has been added the return of write-in,
19 absentee, and manually counted votes and votes from
20 provisional ballots, shall constitute the official return of
21 the election upon certification by the canvassing board. Upon
22 completion of the count, the returns shall be open to the
23 public. A copy of the returns may be posted at the central
24 counting place or at the office of the supervisor of elections
25 in lieu of the posting of returns at individual precincts.

26 (9) Any supervisor of elections, deputy supervisor of
27 elections, canvassing board member, election board member, or
28 election employee who releases the results of any election
29 prior to the closing of the polls on election day commits a
30 felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 Section 38. Section 101.69, Florida Statutes, is
2 amended to read:

3 101.69 Voting in person; return of absentee
4 ballot.--The provisions of this code shall not be construed to
5 prohibit any elector from voting in person at the elector's
6 precinct on the day of an election notwithstanding that the
7 elector has requested an absentee ballot for that election.
8 An elector who has received an absentee ballot, but desires to
9 vote in person, shall return the ballot, whether voted or not,
10 to the election board in the elector's precinct. The returned
11 ballot shall be marked "canceled" by the board and placed with
12 other canceled ballots. However, if the elector is unable to
13 return the ballot, the elector may vote a provisional ballot
14 as provided in s. 101.048 ~~execute an affidavit stating that~~
15 ~~the absentee ballot has not been voted and the elector may~~
16 ~~then vote at the precinct.~~

17 Section 39. Section 102.111, Florida Statutes, is
18 amended to read:

19 102.111 Elections Canvassing Commission.--

20 (1) ~~Immediately after certification of any election by~~
21 ~~the county canvassing board, the results shall be forwarded to~~
22 ~~the Department of State concerning the election of any federal~~
23 ~~or state officer. The Governor, the Secretary of State, and~~
24 ~~the Director of the Division of Elections shall be the~~
25 Elections Canvassing Commission.~~The Elections Canvassing~~
26 Commission shall consist of the Governor and two members of
27 the Cabinet selected by the Governor. If a member of the
28 Elections Canvassing Commission is unable to serve for any
29 reason, the Governor shall appoint a remaining member of the
30 Cabinet. If there is a further vacancy, the remaining members
31 of the commission shall agree on another elected official to

1 fill the vacancy.The Elections Canvassing Commission shall,
2 as soon as the official results are compiled from all
3 counties, certify the returns of the election and determine
4 and declare who has been elected for each federal, state, and
5 multi-county office. ~~In the event that any member of the~~
6 ~~Elections Canvassing Commission is unavailable to certify the~~
7 ~~returns of any election, such member shall be replaced by a~~
8 ~~substitute member of the Cabinet as determined by the Director~~
9 ~~of the Division of Elections. If the county returns are not~~
10 ~~received by the Department of State by 5 p.m. of the seventh~~
11 ~~day following an election, all missing counties shall be~~
12 ~~ignored, and the results shown by the returns on file shall be~~
13 ~~certified.~~

14 (2) The Division of Elections shall provide the staff
15 services required by the Elections Canvassing Commission.

16 Section 40. Section 102.112, Florida Statutes, is
17 amended to read:

18 102.112 Deadline for submission of county returns to
19 the Department of State; ~~penalties.~~--

20 (1) The county canvassing board or a majority thereof
21 shall file the county returns for the election of a federal or
22 state officer with the Department of State immediately after
23 certification of the election results.

24 (2) Returns must be filed by 5 p.m. on the 7th day
25 following a the first primary election and by 5 p.m. on the
26 11th day following the and general election ~~and by 3 p.m. on~~
27 ~~the 3rd day following the second primary.~~

28 (3) If the returns are not received by the department
29 by the time specified, such returns shall ~~may~~ be ignored and
30 the results on file at that time shall ~~may~~ be certified by the
31 department.

1 (4) If the returns are not received by the department
2 due to an emergency, as defined in s. 101.732, the Elections
3 Canvassing Commission shall determine the deadline by which
4 the returns must be received.

5 ~~(2) The department shall fine each board member \$200~~
6 ~~for each day such returns are late, the fine to be paid only~~
7 ~~from the board member's personal funds. Such fines shall be~~
8 ~~deposited into the Election Campaign Financing Trust Fund,~~
9 ~~created by s. 106.32.~~

10 ~~(3) Members of the county canvassing board may appeal~~
11 ~~such fines to the Florida Elections Commission, which shall~~
12 ~~adopt rules for such appeals.~~

13 Section 41. Present subsections (5) and (6) of section
14 102.141, Florida Statutes, are redesignated as subsections (7)
15 and (8), respectively, present subsection (4) is amended and
16 redesignated as subsection (6), subsections (2) and (3) are
17 amended, and new subsections (4) and (5) are added to that
18 section to read:

19 102.141 County canvassing board; duties.--

20 (2) The county canvassing board shall meet in a
21 building accessible to the public in the county where the
22 election occurred at a time and place to be designated by the
23 supervisor of elections to publicly canvass the absentee
24 electors' ballots as provided for in s. 101.68 and provisional
25 ballots as provided by s. 101.048. Public notice of the time
26 and place at which the county canvassing board shall meet to
27 canvass the absentee electors' ballots and provisional ballots
28 shall be given at least 48 hours prior thereto by publication
29 once in one or more newspapers of general circulation in the
30 county or, if there is no newspaper of general circulation in
31 the county, by posting such notice in at least four

1 conspicuous places in the county. As soon as the absentee
2 electors' ballots and the provisional ballots are canvassed,
3 the board shall proceed to publicly canvass the vote given
4 each candidate, nominee, constitutional amendment, or other
5 measure submitted to the electorate of the county, as shown by
6 the returns then on file in the office of the supervisor of
7 elections and the office of the county court judge.

8 (3) The canvass, except the canvass of absentee
9 electors' returns and the canvass of provisional ballots,
10 shall be made from the returns and certificates of the
11 inspectors as signed and filed by them with the county court
12 judge and supervisor, respectively, and the county canvassing
13 board shall not change the number of votes cast for a
14 candidate, nominee, constitutional amendment, or other measure
15 submitted to the electorate of the county, respectively, in
16 any polling place, as shown by the returns. All returns shall
17 be made to the board on or before 2 a.m.~~noon~~ of the day
18 following any primary, general, special, or other election.
19 If the returns from any precinct are missing, if there are any
20 omissions on the returns from any precinct, or if there is an
21 obvious error on any such returns, the canvassing board shall
22 order a recount of the returns from such precinct. Before
23 canvassing such returns, the canvassing board shall examine
24 the ~~counters on the machines or the~~ tabulation of the ballots
25 cast in such precinct and determine whether the returns
26 correctly reflect the votes cast. If there is a discrepancy
27 between the returns and the ~~counters of the machines or the~~
28 tabulation of the ballots cast, the ~~counters of such machines~~
29 ~~or the~~ tabulation of the ballots cast shall be presumed
30 correct and such votes shall be canvassed accordingly.

31

1 (4) The canvassing board shall submit unofficial
2 returns to the Department of State for each federal,
3 statewide, state, or multi-county office or ballot measure no
4 later than noon on the day after any primary, general,
5 special, or other election.

6 (5) If the county canvassing board determines that the
7 unofficial returns may contain a counting error in which the
8 vote tabulation system failed to count votes that were
9 properly marked in accordance with the instructions on the
10 ballot, the county canvassing board shall:

11 (a) Correct the error and recount the affected ballots
12 with the vote tabulation system; or

13 (b) Request that the Department of State verify the
14 tabulation software. When the Department of State verifies
15 such software, the department shall compare the software used
16 to tabulate the votes with the software filed with the
17 department pursuant to s. 101.5607 and check the election
18 parameters.

19 ~~(6)~~(4) If the unofficial returns ~~for any office~~
20 reflect that a candidate for any office was defeated or
21 eliminated by one-half of a percent or less of the votes cast
22 for such office, that a candidate for retention to a judicial
23 office was retained or not retained by one-half of a percent
24 or less of the votes cast on the question of retention, or
25 that a measure appearing on the ballot was approved or
26 rejected by one-half of a percent or less of the votes cast on
27 such measure, the board responsible for certifying the results
28 of the vote on such race or measure shall order a recount of
29 the votes cast with respect to such office or measure. A
30 recount need not be ordered with respect to the returns for
31 any office, however, if the candidate or candidates defeated

1 or eliminated from contention for such office by one-half of a
2 percent or less of the votes cast for such office request in
3 writing that a recount not be made.

4 (a) In counties with voting systems that use ballot
5 cards or paper ballots, each canvassing board responsible for
6 conducting a recount shall put each ballot through the
7 automatic tabulating equipment for each precinct in which the
8 office or issue appeared on the ballot and determine whether
9 the returns correctly reflect the votes cast. Immediately
10 before the start of the recount and after completion of the
11 count, a test of the tabulating equipment shall be conducted
12 as provided in s. 101.5612. If the test indicates no error,
13 the recount tabulation of the ballots cast shall be presumed
14 correct and such votes shall be canvassed accordingly. If an
15 error is detected, the cause therefor shall be ascertained and
16 corrected and the recount repeated, as necessary. The
17 canvassing board shall immediately report the error, along
18 with the cause of the error and the corrective measures being
19 taken, to the Department of State. No later than 11 days after
20 the election, the canvassing board shall file a separate
21 incident report with the Department of State, detailing the
22 resolution of the matter and identifying any measures that
23 will avoid a future recurrence of the error.

24 (b) In counties with voting systems that do not use
25 ballot cards or paper ballots, each canvassing board
26 responsible for conducting a recount shall examine the
27 counters on the precinct tabulators to ensure that the total
28 of the returns on the precinct tabulators equals the overall
29 election return ~~machines or the tabulation of the ballots cast~~
30 ~~in each precinct in which the office or issue appeared on the~~
31 ~~ballot and determine whether the returns correctly reflect the~~

1 ~~votes cast~~. If there is a discrepancy between the overall
2 election return returns and the counters of the precinct
3 tabulators machines or the ~~tabulation of the ballots cast~~, the
4 counters of the precinct tabulators of ~~such machines~~ or the
5 ~~tabulation of the ballots cast~~ shall be presumed correct and
6 such votes shall be canvassed accordingly.

7 (c) The canvassing board shall submit a second set of
8 unofficial returns to the Department of State for each
9 federal, statewide, state, or multi-county office or ballot
10 measure no later than noon on the second day after any
11 election in which a recount was conducted pursuant to this
12 subsection. If the canvassing board is unable to complete the
13 recount prescribed in this subsection by the deadline, the
14 second set of unofficial returns submitted by the canvassing
15 board shall be identical to the initial unofficial returns and
16 the submission shall also include a detailed explanation of
17 why it was unable to timely complete the recount. However,
18 the canvassing board shall complete the recount prescribed in
19 this subsection, along with any manual recount prescribed in
20 s. 102.166, and certify election returns in accordance with
21 the requirements of this chapter.

22 Section 42. Section 102.166, Florida Statutes, is
23 amended to read:

24 102.166 Manual recounts ~~Protest of election returns~~
25 ~~procedure~~--

26 (1) If the second set of unofficial returns pursuant
27 to s. 102.141 indicates that a candidate for any office was
28 defeated or eliminated by one-quarter of a percent or less of
29 the votes cast for such office, that a candidate for retention
30 to a judicial office was retained or not retained by
31 one-quarter of a percent or less of the votes cast on the

1 question of retention, or that a measure appearing on the
2 ballot was approved or rejected by one-quarter of a percent or
3 less of the votes cast on such measure, the board responsible
4 for certifying the results of the vote on such race or measure
5 shall order a manual recount of the overvotes and undervotes
6 cast in the entire geographic jurisdiction of such office or
7 ballot measure.

8 (2)(a) If the second set of unofficial returns
9 pursuant to s. 102.141 indicates that a candidate for any
10 office was defeated or eliminated by between one-quarter and
11 one-half of a percent of the votes cast for such office, that
12 a candidate for retention to judicial office was retained or
13 not retained by between one-quarter and one-half of a percent
14 of the votes cast on the question of retention, or that a
15 measure appearing on the ballot was approved or rejected by
16 between one-quarter and one-half of a percent of the votes
17 cast on such measure, any such candidate, the political party
18 of such candidate, or any political committee that supports or
19 opposes such ballot measure is entitled to a manual recount of
20 the overvotes and undervotes cast in the entire geographic
21 jurisdiction of such office or ballot measure, provided that a
22 request for a manual recount is made by 5 p.m. on the second
23 day after the election.

24 (b) For federal, statewide, state, and multi-county
25 races and ballot issues, requests for a manual recount shall
26 be made in writing to the state Elections Canvassing
27 Commission. For all other races and ballot issues, requests
28 for a manual recount shall be made in writing to the county
29 canvassing board.

30 (c) Upon receipt of a proper and timely request, the
31 Elections Canvassing Commission or county canvassing board

1 shall immediately order a manual recount of overvotes and
2 undervotes in all affected jurisdictions.

3 (3)(a) Any hardware or software used to identify and
4 sort overvotes and undervotes for a given race or ballot
5 measure must be certified by the Department of State as part
6 of the voting system pursuant to s. 101.015. Any such hardware
7 or software must be capable of simultaneously counting votes.
8 For certified voting systems, the department shall certify
9 such hardware or software by July 1, 2002. If the department
10 is unable to certify such hardware or software for a certified
11 voting system by July 1, 2002, the department shall adopt
12 rules prescribing procedures for identifying and sorting such
13 overvotes and undervotes. The department's rules may provide
14 for the temporary use of hardware or software whose sole
15 function is identifying and sorting overvotes and undervotes.

16 (b) This subsection does not preclude the department
17 from certifying hardware or software after July 1, 2002.

18 (c) Overvotes and undervotes shall be identified and
19 sorted while recounting ballots pursuant to s. 102.141, if the
20 hardware or software for this purpose has been certified or
21 the department's rules so provide.

22 ~~(1) Any candidate for nomination or election, or any~~
23 ~~elector qualified to vote in the election related to such~~
24 ~~candidacy, shall have the right to protest the returns of the~~
25 ~~election as being erroneous by filing with the appropriate~~
26 ~~canvassing board a sworn, written protest.~~

27 ~~(2) Such protest shall be filed with the canvassing~~
28 ~~board prior to the time the canvassing board certifies the~~
29 ~~results for the office being protested or within 5 days after~~
30 ~~midnight of the date the election is held, whichever occurs~~
31 ~~later.~~

1 ~~(3) Before canvassing the returns of the election, the~~
2 ~~canvassing board shall:~~

3 ~~(a) When paper ballots are used, examine the~~
4 ~~tabulation of the paper ballots cast.~~

5 ~~(b) When voting machines are used, examine the~~
6 ~~counters on the machines of nonprinter machines or the~~
7 ~~printer-pac on printer machines. If there is a discrepancy~~
8 ~~between the returns and the counters of the machines or the~~
9 ~~printer-pac, the counters of such machines or the printer-pac~~
10 ~~shall be presumed correct.~~

11 ~~(c) When electronic or electromechanical equipment is~~
12 ~~used, the canvassing board shall examine precinct records and~~
13 ~~election returns. If there is a clerical error, such error~~
14 ~~shall be corrected by the county canvassing board. If there is~~
15 ~~a discrepancy which could affect the outcome of an election,~~
16 ~~the canvassing board may recount the ballots on the automatic~~
17 ~~tabulating equipment.~~

18 ~~(4)(a) Any candidate whose name appeared on the~~
19 ~~ballot, any political committee that supports or opposes an~~
20 ~~issue which appeared on the ballot, or any political party~~
21 ~~whose candidates' names appeared on the ballot may file a~~
22 ~~written request with the county canvassing board for a manual~~
23 ~~recount. The written request shall contain a statement of the~~
24 ~~reason the manual recount is being requested.~~

25 ~~(b) Such request must be filed with the canvassing~~
26 ~~board prior to the time the canvassing board certifies the~~
27 ~~results for the office being protested or within 72 hours~~
28 ~~after midnight of the date the election was held, whichever~~
29 ~~occurs later.~~

30 ~~(c) The county canvassing board may authorize a manual~~
31 ~~recount. If a manual recount is authorized, the county~~

1 ~~canvassing board shall make a reasonable effort to notify each~~
2 ~~candidate whose race is being recounted of the time and place~~
3 ~~of such recount.~~

4 ~~(d) The manual recount must include at least three~~
5 ~~precincts and at least 1 percent of the total votes cast for~~
6 ~~such candidate or issue. In the event there are less than~~
7 ~~three precincts involved in the election, all precincts shall~~
8 ~~be counted. The person who requested the recount shall choose~~
9 ~~three precincts to be recounted, and, if other precincts are~~
10 ~~recounted, the county canvassing board shall select the~~
11 ~~additional precincts.~~

12 ~~(5) If the manual recount indicates an error in the~~
13 ~~vote tabulation which could affect the outcome of the~~
14 ~~election, the county canvassing board shall:~~

15 ~~(a) Correct the error and recount the remaining~~
16 ~~precincts with the vote tabulation system;~~

17 ~~(b) Request the Department of State to verify the~~
18 ~~tabulation software; or~~

19 ~~(c) Manually recount all ballots.~~

20 ~~(4)(6)~~ Any manual recount shall be open to the public.

21 (5)(a) A vote for a candidate or ballot measure shall
22 be counted if there is a clear indication on the ballot that
23 the voter has made a definite choice.

24 (b) The Department of State shall adopt specific rules
25 for each certified voting system prescribing what constitutes
26 a "clear indication on the ballot that the voter has made a
27 definite choice." The rules may not:

28 1. Exclusively provide that the voter must properly
29 mark or designate his or her choice on the ballot; or

30 2. Contain a catch-all provision that fails to
31 identify specific standards, such as "any other mark or

1 indication clearly indicating that the voter has made a
2 definite choice."

3 ~~(6)(7)~~ Procedures for a manual recount are as follows:

4 (a) The county canvassing board shall appoint as many
5 counting teams of at least two electors as is necessary to
6 manually recount the ballots. A counting team must have, when
7 possible, members of at least two political parties. A
8 candidate involved in the race shall not be a member of the
9 counting team.

10 (b) If a counting team is unable to determine whether
11 the ballot contains a clear indication that the voter has made
12 a definite choice ~~a voter's intent in casting a ballot~~, the
13 ballot shall be presented to the county canvassing board for a
14 determination ~~it to determine the voter's intent~~.

15 (c) The Department of State shall adopt detailed rules
16 prescribing additional recount procedures for each certified
17 voting system which shall be uniform to the extent
18 practicable. The rules shall address, at a minimum, the
19 following areas:

- 20 1. Security of ballots during the recount process;
- 21 2. Time and place of recounts;
- 22 3. Public observance of recounts;
- 23 4. Objections to ballot determinations;
- 24 5. Record of recount proceedings; and
- 25 6. Procedures relating to candidate and petitioner
26 representatives.

27 ~~(8) If the county canvassing board determines the need~~
28 ~~to verify the tabulation software, the county canvassing board~~
29 ~~shall request in writing that the Department of State verify~~
30 ~~the software.~~

31

1 ~~(9) When the Department of State verifies such~~
2 ~~software, the department shall:~~

3 ~~(a) Compare the software used to tabulate the votes~~
4 ~~with the software filed with the Department of State pursuant~~
5 ~~to s. 101.5607; and~~

6 ~~(b) Check the election parameters.~~

7 ~~(10) The Department of State shall respond to the~~
8 ~~county canvassing board within 3 working days.~~

9 Section 43. Section 102.167, Florida Statutes, is
10 repealed.

11 Section 44. Section 102.168, Florida Statutes, is
12 amended to read:

13 102.168 Contest of election.--

14 (1) Except as provided in s. 102.171, the
15 certification of election or nomination of any person to
16 office, or of the result on any question submitted by
17 referendum, may be contested in the circuit court by any
18 unsuccessful candidate for such office or nomination thereto
19 or by any elector qualified to vote in the election related to
20 such candidacy, or by any taxpayer, respectively.

21 (2) Such contestant shall file a complaint, together
22 with the fees prescribed in chapter 28, with the clerk of the
23 circuit court within 10 days after midnight of the date the
24 last county canvassing board empowered to canvass the returns
25 certifies the results of the election being contested ~~or~~
26 ~~within 5 days after midnight of the date the last county~~
27 ~~canvassing board empowered to canvass the returns certifies~~
28 ~~the results of that particular election following a protest~~
29 ~~pursuant to s. 102.166(1), whichever occurs later.~~

30 (3) The complaint shall set forth the grounds on which
31 the contestant intends to establish his or her right to such

1 office or set aside the result of the election on a submitted
2 referendum. The grounds for contesting an election under this
3 section are:

4 (a) Misconduct, fraud, or corruption on the part of
5 any election official or any member of the canvassing board
6 sufficient to change or place in doubt the result of the
7 election.

8 (b) Ineligibility of the successful candidate for the
9 nomination or office in dispute.

10 (c) Receipt of a number of illegal votes or rejection
11 of a number of legal votes sufficient to change or place in
12 doubt the result of the election.

13 (d) Proof that any elector, election official, or
14 canvassing board member was given or offered a bribe or reward
15 in money, property, or any other thing of value for the
16 purpose of procuring the successful candidate's nomination or
17 election or determining the result on any question submitted
18 by referendum.

19 ~~(e) Any other cause or allegation which, if sustained,~~
20 ~~would show that a person other than the successful candidate~~
21 ~~was the person duly nominated or elected to the office in~~
22 ~~question or that the outcome of the election on a question~~
23 ~~submitted by referendum was contrary to the result declared by~~
24 ~~the canvassing board or election board.~~

25 (4) The canvassing board or Elections Canvassing
26 Commission ~~election board~~ shall be the proper party defendant,
27 and the successful candidate shall be an indispensable party
28 to any action brought to contest the election or nomination of
29 a candidate.

30 (5) A statement of the grounds of contest may not be
31 rejected, nor the proceedings dismissed, by the court for any

1 want of form if the grounds of contest provided in the
2 statement are sufficient to clearly inform the defendant of
3 the particular proceeding or cause for which the nomination or
4 election is contested.

5 (6) A copy of the complaint shall be served upon the
6 defendant and any other person named therein in the same
7 manner as in other civil cases under the laws of this state.
8 Within 10 days after the complaint has been served, the
9 defendant must file an answer admitting or denying the
10 allegations on which the contestant relies or stating that the
11 defendant has no knowledge or information concerning the
12 allegations, which shall be deemed a denial of the
13 allegations, and must state any other defenses, in law or
14 fact, on which the defendant relies. If an answer is not filed
15 within the time prescribed, the defendant may not be granted a
16 hearing in court to assert any claim or objection that is
17 required by this subsection to be stated in an answer.

18 (7) Any candidate, qualified elector, or taxpayer
19 presenting such a contest to a circuit judge is entitled to an
20 immediate hearing. However, the court in its discretion may
21 limit the time to be consumed in taking testimony, with a view
22 therein to the circumstances of the matter and to the
23 proximity of any succeeding ~~primary or other~~ election.

24 ~~(8) The circuit judge to whom the contest is presented~~
25 ~~may fashion such orders as he or she deems necessary to ensure~~
26 ~~that each allegation in the complaint is investigated,~~
27 ~~examined, or checked, to prevent or correct any alleged wrong,~~
28 ~~and to provide any relief appropriate under such~~
29 ~~circumstances.~~

30 Section 45. Subsections (1) and (2) of section 99.063,
31 Florida Statutes, are amended to read:

1 99.063 Candidates for Governor and Lieutenant

2 Governor.--

3 (1) No later than 5 p.m. of the 9th ~~6th~~ day following
4 the second primary election, each candidate for Governor shall
5 designate a Lieutenant Governor as a running mate. Such
6 designation must be made in writing to the Department of
7 State.

8 (2) No later than 5 p.m. of the 9th ~~6th~~ day following
9 the second primary election, each designated candidate for
10 Lieutenant Governor shall file with the Department of State:

11 (a) The candidate's oath required by s. 99.021, which
12 must contain the name of the candidate as it is to appear on
13 the ballot; the office sought; and the signature of the
14 candidate, duly acknowledged.

15 (b) The loyalty oath required by s. 876.05, signed by
16 the candidate and duly acknowledged.

17 (c) If the office sought is partisan, the written
18 statement of political party affiliation required by s.
19 99.021(1)(b).

20 (d) The full and public disclosure of financial
21 interests pursuant to s. 8, Art. II of the State Constitution.

22 Section 46. (1) Notwithstanding s. 100.061, Florida
23 Statutes, for the year 2002, a primary election for nomination
24 of candidates of political parties shall be held on the second
25 Tuesday in September. The candidate receiving the highest
26 number of the votes cast in each contest in the primary
27 election shall be declared nominated for such office. If two
28 or more persons receive an equal and highest number of votes
29 for the same office, such persons shall draw lots to determine
30 who shall receive the nomination.

31

1 (2) Notwithstanding s. 100.091, Florida Statutes, or
2 any other provision of the Florida Election Code to the
3 contrary, there shall be no second primary election between
4 the effective date of this act and January 1, 2004.

5 (3)(a) No later than 5 p.m. of the 9th day following
6 the primary election in 2002, each candidate for Governor
7 shall designate a Lieutenant Governor as a running mate. Such
8 designation must be made in writing to the Department of
9 State.

10 (b) No later than the time specified in paragraph (a),
11 each designated candidate for Lieutenant Governor shall file
12 with the Department of State the qualifying papers specified
13 in s. 99.063, Florida Statutes.

14 (4)(a) For the 2002 elections, following the last day
15 of qualifying for office, reports pursuant to s. 106.07,
16 Florida Statutes, shall be filed on the 32nd, 18th, and 4th
17 days immediately preceding the primary election and on the
18 46th, 32nd, 18th, and 4th days immediately preceding the
19 general election.

20 (b) Following the last day of qualifying for office,
21 any statewide candidate who has requested to receive
22 contributions from the Election Campaign Financing Trust Fund
23 or any statewide candidate in a race with a candidate who has
24 requested to receive contributions from the trust fund shall
25 file reports on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th,
26 and 53rd days prior to the general election.

27 (5) For the 2002 elections, there shall be two
28 elections for purposes of the contribution limits in s.
29 106.08, Florida Statutes.

30 Section 47. Section 97.0555, Florida Statutes, is
31 created to read:

1 97.0555 Late registration.--An individual or
2 accompanying family member who has been discharged or
3 separated from the uniformed services, Merchant Marine, or
4 from employment outside the territorial limits of the United
5 States, after the book closing for an election pursuant to s.
6 97.055 who is otherwise qualified, may register to vote in
7 such election until 5 p.m. on the Friday before that election.
8 Such persons must produce sufficient documentation showing
9 evidence of qualifying for late registration pursuant to this
10 section. The Department of State shall adopt rules specifying
11 documentation that is sufficient to determine eligibility.

12 Section 48. Section 101.6951, Florida Statutes, is
13 created to read:

14 101.6951 State write-in ballot.--

15 (1) An overseas voter may request, not earlier than
16 180 days before a general election, a state write-in absentee
17 ballot from the supervisor of elections in the county of
18 registration. In order to receive a state write-in ballot, the
19 voter shall state that due to military or other contingencies
20 that preclude normal mail delivery, the voter cannot vote an
21 absentee ballot during the normal absentee voting period.
22 State write-in absentee ballots shall be made available to
23 voters 90 to 180 days prior to a general election. The
24 Department of State shall prescribe by rule the form of the
25 state write-in ballot.

26 (2) In completing the ballot, the overseas voter may
27 designate his or her choice by writing in the name of the
28 candidate or by writing in the name of a political party, in
29 which case the ballot must be counted for the candidate of
30 that political party, if there is such a party candidate on
31 the ballot.

1 (3) Any abbreviation, misspelling, or other minor
2 variation in the form of the name of a candidate or a
3 political party must be disregarded in determining the
4 validity of the ballot if there is a clear indication on the
5 ballot that the voter has made a definite choice.

6 (4) The state write-in ballot shall contain all
7 offices, federal, state, and local, for which the voter would
8 otherwise be entitled to vote.

9 Section 49. Section 101.6952, Florida Statutes, is
10 created to read:

11 101.6952 Absentee ballots for overseas voters.--

12 (1) If an overseas voter's request for an absentee
13 ballot includes an e-mail address, the supervisor of elections
14 shall inform the voter of the names of candidates who will be
15 on the ballots via electronic transmission. The supervisor of
16 elections shall e-mail to the voter the list of candidates for
17 the primary and general election not later than 30 days before
18 each election.

19 (2) For absentee ballots received from overseas
20 voters, there is a presumption that the envelope was mailed on
21 the date stated and witnessed on the outside of the return
22 envelope, regardless of the absence of a postmark on the
23 mailed envelope or the existence of a postmark date that is
24 later than the date of the election.

25 Section 50. Section 101.697, Florida Statutes, is
26 created to read:

27 101.697 Electronic transmission of election
28 materials.--The Department of State shall adopt rules to
29 authorize a supervisor of elections to accept a request for an
30 absentee ballot and a voted absentee ballot by facsimile
31 machine or other electronic means from overseas voters. The

1 rules must provide that in order to accept a voted ballot, the
2 verification of the voter must be established, the security of
3 the transmission must be established, and each ballot received
4 must be recorded.

5 Section 51. Section 101.698, Florida Statutes, is
6 created to read:

7 101.698 Absentee voting in emergency situations.--If a
8 national or local emergency or other situation arises which
9 makes substantial compliance with the provisions of state or
10 federal law relating to the methods of voting for overseas
11 voters impossible or unreasonable, such as an armed conflict
12 involving United States Armed Forces or mobilization of those
13 forces, including state National Guard and reserve components,
14 the Elections Canvassing Commission may adopt by emergency
15 rules, such special procedures or requirements necessary to
16 facilitate absentee voting by those persons directly affected
17 who are otherwise eligible to vote in the election.

18 Section 52. Paragraph (b) of subsection (1), and
19 subsection (7) of section 101.62, Florida Statutes, are
20 amended to read:

21 101.62 Request for absentee ballots.--

22 (1)

23 (b) The supervisor may accept a written or telephonic
24 request for an absentee ballot from the elector, or, if
25 directly instructed by the elector, a member of the elector's
26 immediate family, or the elector's legal guardian. For
27 purposes of this section, the term "immediate family" has the
28 same meaning as specified in paragraph (4)(b). The person
29 making the request must disclose:

30 1. The name of the elector for whom the ballot is
31 requested;

- 1 2. The elector's address;
- 2 ~~3. The last four digits of the elector's social~~
- 3 ~~security number;~~
- 4 3.4. The registration number on the elector's date of
- 5 birth registration identification card;
- 6 ~~4.5.~~ The requester's name;
- 7 ~~5.6.~~ The requester's address;
- 8 ~~6.7.~~ The requester's ~~social security number and, if~~
- 9 ~~available,~~ driver's license number, if available;
- 10 ~~7.8.~~ The requester's relationship to the elector; and
- 11 ~~8.9.~~ The requester's signature (written requests
- 12 only).
- 13 ~~(7)(a) For the purposes of this section, "absent~~
- 14 ~~qualified elector overseas" means:~~
- 15 ~~1. Members of the Armed Forces while in the active~~
- 16 ~~service who are permanent residents of the state and are~~
- 17 ~~temporarily residing outside the territorial limits of the~~
- 18 ~~United States and the District of Columbia;~~
- 19 ~~2. Members of the Merchant Marine of the United States~~
- 20 ~~who are permanent residents of the state and are temporarily~~
- 21 ~~residing outside the territorial limits of the United States~~
- 22 ~~and the District of Columbia; and~~
- 23 ~~3. Other citizens of the United States who are~~
- 24 ~~permanent residents of the state and are temporarily residing~~
- 25 ~~outside the territorial limits of the United States and the~~
- 26 ~~District of Columbia,~~
- 27
- 28 ~~who are qualified and registered as provided by law.~~
- 29 ~~(b) Notwithstanding any other provision of law to the~~
- 30 ~~contrary, there shall appear on the ballots sent to absent~~
- 31 ~~qualified electors overseas, in addition to the names of the~~

1 ~~candidates for each office, the political party affiliation of~~
2 ~~each candidate for each office, other than a nonpartisan~~
3 ~~office.~~

4 ~~(c) With respect to marked ballots mailed by absent~~
5 ~~qualified electors overseas, only those ballots mailed with an~~
6 ~~APO, FPO, or foreign postmark shall be considered valid.~~

7 Section 53. Section 101.64, Florida Statutes, is
8 amended to read:

9 101.64 Delivery of absentee ballots; envelopes;
10 form.--

11 (1) The supervisor shall enclose with each absentee
12 ballot two envelopes: a secrecy envelope, into which the
13 absent elector shall enclose his or her marked ballot; and a
14 mailing envelope, into which the absent elector shall then
15 place the secrecy envelope, which shall be addressed to the
16 supervisor and also bear on the back side a certificate in
17 substantially the following form:

18
19 Note: Please Read Instructions Carefully Before
20 Marking Ballot and Completing Voter's Certificate.

21 VOTER'S CERTIFICATE

22 I,, do solemnly swear or affirm that I am a
23 qualified and registered voter of County, Florida and
24 that I have not and will not vote more than one ballot in this
25 election. I understand that if I commit or attempt to commit
26 any fraud in connection with voting, vote a fraudulent ballot,
27 or vote more than once in an election, I can be convicted of a
28 felony of the third degree and fined up to \$5,000 and/or
29 imprisoned for up to 5 years. I also understand that failure
30 to sign this certificate and have my signature properly
31

1 | witnessed will invalidate my ballot. ~~I am entitled to vote an~~
2 | ~~absentee ballot for one of the following reasons:~~

3 |
4 | 1. ~~I am unable without another's assistance to attend~~
5 | ~~the polls.~~

6 | 2. ~~I may not be in the precinct of my residence during~~
7 | ~~the hours the polls are open for voting on election day.~~

8 | 3. ~~I am an inspector, a poll worker, a deputy voting~~
9 | ~~machine custodian, a deputy sheriff, a supervisor of~~
10 | ~~elections, or a deputy supervisor who is assigned to a~~
11 | ~~different precinct than that in which I am registered.~~

12 | 4. ~~On account of the tenets of my religion, I cannot~~
13 | ~~attend the polls on the day of the general, special, or~~
14 | ~~primary election.~~

15 | 5. ~~I have changed my permanent residency to another~~
16 | ~~county in Florida within the time period during which the~~
17 | ~~registration books are closed for the election. I understand~~
18 | ~~that I am allowed to vote only for national and statewide~~
19 | ~~offices and on statewide issues.~~

20 | 6. ~~I have changed my permanent residency to another~~
21 | ~~state and am unable under the laws of such state to vote in~~
22 | ~~the general election. I understand that I am allowed to vote~~
23 | ~~only for President and Vice President.~~

24 | 7. ~~I am unable to attend the polls on election day and~~
25 | ~~am voting this ballot in person at the office of, and under~~
26 | ~~the supervision of, the county supervisor of elections.~~

27 |
28 |
29 | ...(Date)...

...(Voter's Signature)...

30 |
31 | ~~...(Last four digits of voter's social security number)...~~

- 1 3. Place your marked ballot in the enclosed secrecy
2 envelope.
- 3 4. Insert the secrecy envelope into the enclosed
4 mailing envelope which is addressed to the supervisor.
- 5 5. Seal the mailing envelope and completely fill out
6 the Voter's Certificate on the back of the mailing envelope.
- 7 6. VERY IMPORTANT. In order for your absentee ballot
8 to be counted, you must sign your name on the line above
9 (Voter's Signature).
- 10 7. VERY IMPORTANT. If you are an overseas voter, you
11 must include the date you signed the Voter's Certificate on
12 the line above (Date) or your ballot may not be counted.
13 ~~place the last four digits of your Social Security number in~~
14 ~~the space provided, and your ballot must be witnessed in~~
15 ~~either of the following manners:~~
- 16 a. ~~One witness, who is a registered voter in the~~
17 ~~state, must affix his or her signature, printed name, address,~~
18 ~~voter identification number, and county of registration on the~~
19 ~~voter's certificate. Each witness is limited to witnessing~~
20 ~~five ballots per election unless certified as an absentee~~
21 ~~ballot coordinator. A candidate may not serve as an attesting~~
22 ~~witness.~~
- 23 b. ~~Any notary or other officer entitled to administer~~
24 ~~oaths or any Florida supervisor of elections or deputy~~
25 ~~supervisor of elections, other than a candidate, may serve as~~
26 ~~an attesting witness.~~
- 27 8. VERY IMPORTANT. In order for your absentee ballot
28 to be counted, it must include the signature and address of a
29 witness 18 years of age or older affixed to the Voter's
30 Certificate. No candidate may serve as an attesting witness.
31

1 9.7. Mail, deliver, or have delivered the completed
2 mailing envelope. Be sure there is sufficient postage if
3 mailed.

4 10.8. FELONY NOTICE. It is a felony under Florida law
5 to accept any gift, payment, or gratuity in exchange for your
6 vote for a candidate. It is also a felony under Florida law to
7 vote in an election using a false identity or false address,
8 or under any other circumstances making your ballot false or
9 fraudulent.

10 Section 55. Section 101.657, Florida Statutes, is
11 amended to read:

12 101.657 Voting absentee ballots in person.--

13 (1) ~~Notwithstanding s. 97.021(1),~~Any qualified and
14 registered elector ~~who is unable to attend the polls on~~
15 ~~election day~~ may pick up and vote an absentee ballot in person
16 at the office of, and under the supervision of, the supervisor
17 of elections. Before receiving the ballot, the elector must
18 present a Florida driver's license, a Florida identification
19 card issued under s. 322.051, or another form of picture
20 identification approved by the Department of State. If the
21 elector fails to furnish the required identification, or if
22 the supervisor is in doubt as to the identity of the elector,
23 the supervisor must follow the procedure prescribed in s.
24 101.49.

25 (2) As an alternative to the provisions of ss. 101.647
26 ~~101.647~~,and 101.65, the supervisor of elections may allow an
27 elector to cast an absentee ballot in the main or branch
28 office of the supervisor by depositing the voted ballot in a
29 voting device used by the supervisor to collect or tabulate
30 ballots. The results or tabulation may not be made before the
31 close of the polls on election day.

1 (a)~~(3)~~ The elector must provide picture identification
2 and must complete an In-Office Voter Certificate in
3 substantially the following form:

4
5 IN-OFFICE VOTER CERTIFICATE
6

7 I,, am a qualified elector in this election and
8 registered voter of County, Florida. I do solemnly swear
9 or affirm that I am the person so listed on the voter
10 registration rolls of County and that I reside at the
11 listed address. I understand that if I commit or attempt to
12 commit fraud in connection with voting, vote a fraudulent
13 ballot, or vote more than once in an election I could be
14 convicted of a felony of the third degree and both fined up to
15 \$5,000 and imprisoned for up to 5 years. I understand that my
16 failure to sign this certificate and have my signature
17 witnessed invalidates my ballot. ~~I am entitled to vote an~~
18 ~~absentee ballot because I am unable to attend the polls on~~
19 ~~election day.~~

20
21
22 ... (Voter's Signature) ...

23
24 ... (Address) ...

25
26 ... (City/State) ...

27
28 ... (Name of Witness) ...

29
30 ... (Signature of Witness) ...

31

1 ... (Type of identification provided) ...

2

3 (b)~~(4)~~ Any elector may challenge an elector seeking to
4 cast an absentee ballot under the provisions of s. 101.111.
5 Any challenged ballot must be placed in a regular absentee
6 ballot envelope. The canvassing board shall review the ballot
7 and decide the validity of the ballot by majority vote.

8 (c)~~(5)~~ The canvass of returns for ballots cast under
9 this subsection ~~section~~ shall be substantially the same as
10 votes cast by electors in precincts, as provided in s.
11 101.5614.

12 Section 56. Paragraphs (a) and (c) of subsection (2)
13 of section 101.68, Florida Statutes, are amended to read:

14 101.68 Canvassing of absentee ballot.--

15 (2)(a) The county canvassing board may begin the
16 canvassing of absentee ballots at 7 a.m. on the fourth day
17 before the election, but not later than noon on the day
18 following the election. In addition, for any county using
19 electronic tabulating equipment, the processing of absentee
20 ballots through such tabulating equipment may begin at 7 a.m.
21 on the fourth day before the election ~~upon the opening of the~~
22 ~~polls on election day~~. However, notwithstanding any such
23 authorization to begin canvassing or otherwise processing
24 absentee ballots early, no result ~~or tabulation of absentee~~
25 ~~ballots~~ shall be released ~~made~~ until after the closing ~~close~~
26 of the polls on election day. Any supervisor of elections,
27 deputy supervisor of elections, canvassing board member,
28 election board member, or election employee who releases the
29 results of a canvassing or processing of absentee ballots
30 prior to the closing of the polls on election day commits a
31

1 felony of the third degree, punishable as provided in s.
2 775.082, s. 775.083, or s. 775.084.

3 (c)1. The canvassing board shall, if the supervisor
4 has not already done so, compare the signature of the elector
5 on the voter's certificate with the signature of the elector
6 in the registration books to see that the elector is duly
7 registered in the county and to determine the legality of that
8 absentee ballot. An absentee ballot shall be considered
9 illegal if it does not include the signature ~~and the last four~~
10 ~~digits of the social security number~~ of the elector, as shown
11 by the registration records, and the signature and address of
12 an attesting witness.~~either:~~

13 ~~a. The subscription of a notary or officer defined in~~
14 ~~item 6.b. of the instruction sheet, or~~

15 ~~b. The signature, printed name, address, voter~~
16 ~~identification number, and county of registration of one~~
17 ~~attesting witness, who is a registered voter in the state.~~

18
19 However, an absentee ballot shall not be considered illegal if
20 the signature of the elector or attesting witness does not
21 cross the seal of the mailing envelope ~~or if the person~~
22 ~~witnessing the ballot is in violation of s. 104.047(3).~~ If the
23 canvassing board determines that any ballot is illegal, a
24 member of the board shall, without opening the envelope, mark
25 across the face of the envelope: "rejected as illegal." The
26 envelope and the ballot contained therein shall be preserved
27 in the manner that official ballots voted are preserved.

28 2. If any elector or candidate present believes that
29 an absentee ballot is illegal due to a defect apparent on the
30 voter's certificate, he or she may, at any time before the
31 ballot is removed from the envelope, file with the canvassing

1 board a protest against the canvass of that ballot, specifying
2 the precinct, the ballot, and the reason he or she believes
3 the ballot to be illegal. A challenge based upon a defect in
4 the voter's certificate may not be accepted after the ballot
5 has been removed from the mailing envelope.

6 Section 57. Section 104.047, Florida Statutes, is
7 amended to read:

8 104.047 Absentee ballots and voting; violations.--

9 (1) Any person who provides or offers to provide, and
10 any person who accepts, a pecuniary or other benefit in
11 exchange for distributing, ordering, requesting, collecting,
12 delivering, or otherwise physically possessing absentee
13 ballots, except as provided in ss. 101.6105-101.694, is guilty
14 of a felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084.

16 (2) Except as provided in s. 101.62 or s. 101.655, any
17 person who requests an absentee ballot on behalf of an elector
18 is guilty of a felony of the third degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 ~~(3) Any person, other than a notary or other officer~~
21 ~~entitled to administer oaths or an absentee ballot coordinator~~
22 ~~as provided by s. 101.685, who witnesses more than five~~
23 ~~ballots in any single election, is guilty of a misdemeanor of~~
24 ~~the first degree, punishable as provided in s. 775.082 or s.~~
25 ~~775.083.~~

26 (3)(4) Any person who marks or designates a choice on
27 the ballot of another person, except as provided in s.
28 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
29 the third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

1 ~~(5) Any person who returns more than two absentee~~
2 ~~ballots to the supervisors of elections in violation of s.~~
3 ~~101.647 is guilty of a misdemeanor of the first degree,~~
4 ~~punishable as provided in s. 775.082 or s. 775.083.~~

5 Section 58. Sections 101.647 and 101.685, Florida
6 Statutes, are repealed.

7 Section 59. Section 98.255, Florida Statutes, is
8 amended to read:

9 (Substantial rewording of section. See
10 s. 98.255, F.S., for present text.)

11 98.255 Voter education programs.--

12 (1) By March 1, 2002, the Department of State shall
13 adopt rules prescribing minimum standards for nonpartisan
14 voter education. In developing the rules, the department
15 shall review current voter-education programs within each
16 county of the state. The standards shall address, but are not
17 limited to, the following subjects:

18 (a) Voter registration;

19 (b) Balloting procedures, absentee and polling place;

20 (c) Voter rights and responsibilities;

21 (d) Distribution of sample ballots; and

22 (e) Public service announcements.

23 (2) Each county supervisor shall implement the minimum
24 voter education standards, and shall conduct additional
25 nonpartisan education efforts as necessary to ensure that
26 voters have a working knowledge of the voting process.

27 (3)(a) By December 15 of each general election year,
28 each supervisor of elections shall report to the Department of
29 State a detailed description of the voter-education programs
30 implemented and any other information that may be useful in
31 evaluating the effectiveness of voter-education efforts.

1 (b) The Department of State, upon receipt of such
2 information, shall prepare a public report on the
3 effectiveness of voter-education programs and shall submit the
4 report to the Governor, the President of the Senate, and the
5 Speaker of the House of Representatives by January 31 of each
6 year following a general election.

7 (c) The Department of State shall reexamine the rules
8 adopted pursuant to subsection (1) and consider the findings
9 in the report as a basis for adopting modified rules that
10 incorporate successful voter-education programs and
11 techniques, as necessary.

12 Section 60. Section 101.031, Florida Statutes, is
13 amended to read:

14 101.031 Instructions for electors.--

15 (1) The Department of State, or in case of municipal
16 elections the governing body of the municipality, shall print,
17 in large type on cards, instructions for the electors to use
18 in voting. It shall provide not less than two cards for each
19 voting precinct for each election and furnish such cards to
20 each supervisor upon requisition. Each supervisor of
21 elections shall send a sufficient number of these cards to the
22 precincts prior to an election. The election inspectors shall
23 display the cards in the polling places as information for
24 electors. The cards shall contain information about how to
25 vote and such other information as the Department of State may
26 deem necessary. The cards must also include the list of rights
27 and responsibilities afforded to Florida voters, as described
28 in subsection (2).

29 (2) The supervisor of elections in each county shall
30 have posted at each polling place in the county the Voter's
31 Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line when the polls are closing.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. Study and know candidates and issues.
2. Keep his or her voter address current.
3. Know his or her precinct and its hours of operation.
4. Bring proper identification to the polling station.
5. Know how to operate voting equipment properly.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.

- 1 8. Report problems or violations of election law.
2 9. Ask questions when confused.
3 10. Check his or her completed ballot for accuracy.
4 (3) Nothing in this section shall give rise to a legal
5 cause of action.

6 ~~(4)(2)~~ In case any elector, after entering the voting
7 booth, shall ask for further instructions concerning the
8 manner of voting, two election officers who are not both
9 members of the same political party, if present, or, if not,
10 two election officers who are members of the same political
11 party, shall give such instructions to such elector, but no
12 officer or person assisting an elector shall in any manner
13 request, suggest, or seek to persuade or induce any elector to
14 vote for or against any particular ticket, candidate,
15 amendment, question, or proposition. After giving the elector
16 instructions and before the elector has voted, the officers or
17 persons assisting the elector shall retire, and such elector
18 shall vote in secret.

19 Section 61. Subsection (1) of section 101.131, Florida
20 Statutes, is amended to read:

21 101.131 Watchers at polls.--

22 (1) Each political party and each candidate may have
23 one watcher in each polling room at any one time during the
24 election. No watcher shall be permitted to come closer to the
25 officials' table or the voting booths than is reasonably
26 necessary to properly perform his or her functions, but each
27 shall be allowed within the polling room to watch and observe
28 the conduct of electors and officials. The watchers shall
29 furnish their own materials and necessities and shall not
30 obstruct the orderly conduct of any election. Each watcher
31 shall be a qualified and registered elector of the county in

1 which he or she serves. ~~During the elections the officials~~
2 ~~shall call out the names of electors loudly enough to be heard~~
3 ~~by the watchers.~~

4 Section 62. Subsection (1) of section 97.073, Florida
5 Statutes, is amended to read:

6 97.073 Disposition of voter registration applications;
7 cancellation notice.--

8 (1) The supervisor must notify each applicant of the
9 disposition of the applicant's voter registration application.
10 The notice must inform the applicant that the application has
11 been approved, is incomplete, has been denied, or is a
12 duplicate of a current registration. A registration
13 identification card sent to an applicant constitutes notice of
14 approval of registration. If the application is incomplete,
15 the supervisor must request that ~~notice must instruct~~ the
16 applicant supply the missing information in writing and sign a
17 statement that the additional information is true and correct
18 ~~to complete another voter registration application, which the~~
19 ~~supervisor must provide.~~ A notice of denial must inform the
20 applicant of the reason the application was denied.

21 Section 63. Effective upon this act becoming a law,
22 the Division of Elections, in conjunction with the Florida
23 State Association of Supervisors of Elections, shall, from
24 existing funds, study the benefits and drawbacks of having
25 uniform poll opening and closing times throughout the state. A
26 written report shall be presented to the the President of the
27 Senate and the Speaker of the House of Representatives no
28 later than January 1, 2002. This report must include, but is
29 not limited to, a discussion of the circumstances surrounding
30 the 2000 Presidential election; changing the state to one time
31 zone; changing polling times to coincide in both time zones;

1 and having the Central Time Zone not recognize Daylight Saving
2 Time.

3 Section 64. Section 102.014, Florida Statutes, is
4 created to read:

5 102.014 Pollworker recruitment and training.--

6 (1) The supervisor of elections shall conduct training
7 for inspectors, clerks, and deputy sheriffs prior to each
8 primary, general, and special election for the purpose of
9 instructing such persons in their duties and responsibilities
10 as election officials. A certificate may be issued by the
11 supervisor of elections to each person completing such
12 training. No person shall serve as an inspector, clerk, or
13 deputy sheriff for an election unless such person has
14 completed the training as required. A clerk may not work at
15 the polls unless he or she demonstrates a working knowledge of
16 the laws and procedures relating to voter registration, voting
17 system operation, balloting and polling place procedures, and
18 problem-solving and conflict-resolution skills.

19 (2) A person who has attended previous training
20 conducted within 2 years before the election may be appointed
21 by the supervisor to fill a vacancy on election day. If no
22 person with prior training is available to fill such vacancy,
23 the supervisor of elections may fill such vacancy in
24 accordance with the provisions of subsection (3) from among
25 persons who have not received the training required by this
26 section.

27 (3) In the case of absence or refusal to act on the
28 part of any inspector or clerk at any precinct on the day of
29 an election, the supervisor shall appoint a replacement who
30 meets the qualifications prescribed in section 102.012(2).
31 The inspector or clerk so appointed shall be a member of the

1 same political party as the clerk or inspector whom he or she
2 replaces.

3 (4) Each supervisor of elections shall be responsible
4 for training inspectors and clerks, subject to the following
5 minimum requirements:

6 (a) No clerk shall be entitled to work at the polls
7 unless he or she has had a minimum of six hours of training
8 during a general election year, at least two hours of which
9 must occur after June 1 of that year.

10 (b) No inspector shall work at the polls unless he or
11 she has had a minimum of three hours of training during a
12 general election year, at least one hour of which must occur
13 after June 1 of that year.

14 (5) The Department of State shall create a uniform
15 polling place procedures manual and adopt the manual by rule.
16 Each supervisor of elections shall insure that the manual is
17 available in hard copy or electronic form in every precinct in
18 the supervisor's jurisdiction on election day. The manual
19 shall guide inspectors, clerks, and deputy sheriffs in the
20 proper implementation of election procedures and laws. The
21 manual shall be indexed by subject, and written in plain,
22 clear, unambiguous language. The manual shall provide
23 specific examples of common problems encountered at the polls
24 on election day, and detail specific procedures for resolving
25 those problems. The manual shall include, without limitation:

26 (a) Regulations governing solicitation by individuals
27 and groups at the polling place;

28 (b) Procedures to be followed with respect to voters
29 whose names are not on the precinct register;

30 (c) Proper operation of the voting system;

31 (d) Ballot handling procedures;

- 1 (e) Procedures governing spoiled ballots;
2 (f) Procedures to be followed after the polls close;
3 (g) Rights of voters at the polls;
4 (h) Procedures for handling emergency situations;
5 (i) Procedures for dealing with irate voters;
6 (j) The handling and processing of provisional
7 ballots; and
8 (k) Security procedures.

9
10 The Department of State shall revise the manual as necessary
11 to address new procedures in law or problems encountered by
12 voters and pollworkers at the precincts.

13 (6) Supervisors of elections shall work with the
14 business and local community to develop public-private
15 programs to ensure the recruitment of skilled inspectors and
16 clerks.

17 Section 65. Subsections (8) and (9) of section
18 102.012, Florida Statutes, are repealed.

19 Section 66. Subsection (2) of section 102.021, Florida
20 Statutes, is amended to read:

21 102.021 Compensation of inspectors, clerks, and deputy
22 sheriffs.--

23 (2) Inspectors and clerks of election and deputy
24 sheriffs serving at the precincts may receive compensation and
25 travel expenses, as provided in s. 112.061, for attending the
26 pollworker training required by s. 102.014 ~~102.012(8)~~.

27 Section 67. Section 106.31, Florida Statutes, is
28 amended to read:

29 106.31 Legislative intent.--The Legislature finds that
30 the costs of running an effective campaign for statewide
31 office have reached a level which tends to discourage persons

1 from becoming candidates and to limit the persons who run for
2 such office to those who are independently wealthy, who are
3 supported by political committees representing special
4 interests which are able to generate substantial campaign
5 contributions, or who must appeal to special interest groups
6 for campaign contributions. The Legislature further finds
7 that campaign contributions generated by such political
8 committees are having a disproportionate impact vis-a-vis
9 contributions from unaffiliated individuals, which leads to
10 the misperception of government officials unduly influenced by
11 those special interests to the detriment of the public
12 interest. Furthermore, it is the intent of the Legislature
13 that the purpose of public campaign financing is to make
14 candidates more responsive to the voters of the State of
15 Florida and as insulated as possible from special interest
16 groups. The Legislature intends ss. 106.30-106.36 to
17 alleviate these factors, dispel the misperception, and
18 encourage qualified persons to seek statewide elective office
19 who would not, or could not otherwise do so and to protect the
20 effective competition by a candidate who uses public funding.

21 Section 68. Section 106.33, Florida Statutes, is
22 amended to read:

23 106.33 Election campaign financing; eligibility.--Each
24 candidate for the office of Governor or member of the Cabinet
25 who desires to receive contributions from the Election
26 Campaign Financing Trust Fund shall, upon qualifying for
27 office, file a request for such contributions with the filing
28 officer on forms provided by the Division of Elections. If a
29 candidate requesting contributions from the fund desires to
30 have such funds distributed by electronic fund transfers, the
31 request shall include information necessary to implement that

1 procedure. For the purposes of ss. 106.30-106.36, candidates
2 for Governor and Lieutenant Governor on the same ticket shall
3 be considered as a single candidate. To be eligible to
4 receive contributions from the fund, a candidate may ~~shall~~ not
5 be an unopposed candidate as defined in s. 106.011(15) and
6 must ~~shall~~:

7 (1) Agree to abide by the expenditure limits provided
8 in s. 106.34.

9 (2)(a) Raise contributions as follows:

10 1.(a) One hundred fifty thousand dollars for a
11 candidate for Governor.

12 2.(b) One hundred thousand dollars for a candidate for
13 Cabinet office.

14 (b) Contributions from individuals who at the time of
15 contributing are not state residents may not be used to meet
16 the threshold amounts in paragraph (a). For purposes of this
17 paragraph, any person validly registered to vote in this state
18 shall be considered a state resident.

19 (3) Limit loans or contributions from the candidate's
20 personal funds to \$25,000 and contributions from national,
21 state, and county executive committees of a political party to
22 \$25,000 in the aggregate, which loans or contributions shall
23 not qualify for meeting the threshold amounts in subsection
24 (2).

25 (4) Submit to a postelection audit of the campaign
26 account by the division.

27 Section 69. Subsection (2) of section 106.35, Florida
28 Statutes, is amended to read:

29 106.35 Distribution of funds.--

30 (2)(a) Each candidate who has been certified to
31 receive contributions from the Election Campaign Financing

1 Trust Fund shall be entitled to distribution of funds as
2 follows:

3 1. For qualifying matching contributions making up all
4 or any portion of the threshold amounts specified in s.
5 106.33(2), distribution shall be on a two-to-one basis.

6 2. For all other qualifying matching contributions,
7 distribution shall be on a one-to-one basis.

8 (b) Qualifying matching contributions are those of
9 \$250 or less from an individual, made after September 1 of the
10 calendar year prior to the election. Any contribution received
11 from an individual who is not a state resident at the time the
12 contribution is made shall not be considered a qualifying
13 matching contribution. For purposes of this paragraph, any
14 person validly registered to vote in this state shall be
15 considered a state resident. Aggregate contributions from an
16 individual in excess of \$250 will be matched only up to \$250.
17 A contribution from an individual, if made by check, must be
18 drawn on the personal bank account of the individual making
19 the contribution, as opposed to any form of business account,
20 regardless of whether the business account is for a
21 corporation, partnership, sole proprietorship, trust, or other
22 form of business arrangement. For contributions made by check
23 from a personal joint account, the match shall only be for the
24 individual who actually signs the check.

25 Section 70. Effective July 1, 2001, section 98.0977,
26 Florida Statutes, is created to read:

27 98.0977 Statewide voter registration database;
28 development and maintenance.--

29 (1) From the funds appropriated, the department may
30 contract with the Florida Association of Court Clerks to
31 analyze, design, develop, operate, and maintain a statewide,

1 on-line voter registration database and associated web site,
2 to be fully operational statewide by June 1, 2002. The
3 database shall contain voter registration information from
4 each of the 67 supervisors of elections in this state, and
5 shall be accessible through an Internet web site. The system
6 shall provide functionality for ensuring that the database is
7 updated on a daily basis to determine if a registered voter is
8 ineligible to vote for any of the following reasons,
9 including, but not limited to:

10 (a) The voter is deceased;
11 (b) The voter has been convicted of a felony and has
12 not had his or her civil rights restored; or
13 (c) The voter has been adjudicated mentally
14 incompetent and his or her mental capacity with respect to
15 voting has not been restored.

16
17 The database shall also allow for duplicate voter
18 registrations to be identified.

19 (2) The Department of State shall not contract with
20 any private entity other than the Florida Association of Court
21 Clerks for the operation or maintenance of the statewide voter
22 registration database.

23 (3) In administering the database, each supervisor of
24 elections shall compare registration information provided by a
25 voter with information held by the Department of Law
26 Enforcement, the Board of Executive Clemency, the Office of
27 Vital Statistics, and other relevant sources. If the
28 supervisor of elections finds information that suggests that a
29 voter is ineligible to register to vote, the supervisor of
30 elections shall notify the voter by certified United States
31 mail. The notification shall contain a statement as to the

1 reason for the voter's potential ineligibility to register to
2 vote and shall request information from the voter on forms
3 provided by the supervisor of elections in order to make a
4 final determination on the voter's eligibility. After
5 reviewing the information requested by the supervisor of
6 elections and provided by the voter, if the supervisor of
7 elections determines that the voter is not eligible to vote
8 under the laws of this state, the supervisor of elections
9 shall notify the voter by certified United States mail that he
10 or she has been found ineligible to register to vote in this
11 state, shall state the reason for the ineligibility, and shall
12 inform the voter that he or she will be removed from the voter
13 registration rolls.

14 (4) To the maximum extent feasible, state and local
15 government entities shall facilitate provision of information
16 and access to data to the Florida Association of Court Clerks
17 in order to compare information in the statewide voter
18 registration database with available information in other
19 computer databases, including, but not limited to, databases
20 that contain reliable criminal records and records of deceased
21 persons. State and local governmental agencies that provide
22 such data shall do so without charge if the direct cost
23 incurred by those agencies is not significant.

24 (5) The Division of Elections shall provide written
25 quarterly progress reports on each phase of development of the
26 voter registration database to the President of the Senate and
27 the Speaker of the House of Representatives beginning July 1,
28 2001, and continuing until the database is fully implemented.

29 (6) The duties of the supervisors of elections under
30 this section shall be considered part of their regular
31 registration list maintenance duties under this chapter, and

1 any supervisor of elections who willfully refuses or willfully
2 neglects to perform his or her duties under this section shall
3 be in violation of s. 104.051(2).

4 Section 71. The Department of State may use up to \$2
5 million, from funds provided in specific appropriation 2898B
6 of the 2001-2002 General Appropriations Act, notwithstanding
7 the proviso language to that specific appropriation, for the
8 analysis, design, development, operation, and maintenance of
9 the statewide voter registration database as provided in s.
10 98.0977(1), Florida Statutes. This section shall take effect
11 July 1, 2001.

12 Section 72. Section 98.0979, Florida Statutes, is
13 created to read:

14 98.0979 Statewide voter registration database open to
15 inspection; copies.--

16 (1)(a) The voter registration information of the state
17 constitutes public records. Any citizen shall be allowed to
18 examine the voter registration records, but may not make any
19 copies or extract therefrom except as provided by this
20 section.

21 (b) Within 15 days after a request for voter
22 registration information, the division or supervisor of
23 elections shall furnish any requested information, excluding
24 only a voter's signature, social security number, and such
25 other information that is by statute specifically made
26 confidential or is exempt from public records requirements.

27 (c) Actual costs of duplication of information
28 authorized by this section for release to the public shall be
29 charged in accordance with the provisions of s. 119.07.
30
31

1 (2) The information provided by the division or
2 supervisor of elections pursuant to this section shall be
3 furnished only to:

4 (a) Municipalities;

5 (b) Other governmental agencies;

6 (c) Political candidates, for the purpose of
7 furthering their candidacies;

8 (d) Registered political committees, certified
9 committees of continuous existence, and political parties or
10 officials thereof, for political purposes only; and

11 (e) Incumbent officeholders, for the purpose of
12 reporting to their constituents.

13 (3) Such information shall not be used for commercial
14 purposes. No person to whom a list of registered voters is
15 made available pursuant to this section, and no person who
16 acquires such a list, shall use any information contained
17 therein for purposes which are not related to elections,
18 political or governmental activities, voter registration, or
19 law enforcement.

20 (4) Any person who acquires a list of registered
21 voters from the division or supervisor of elections shall take
22 and subscribe to an oath which shall be in substantially the
23 following form:

24
25 I hereby swear (or affirm) that I am a person
26 authorized by s. 98.0979, Florida Statutes, to acquire
27 information on the registered voters of Florida; that the
28 information acquired will be used only for the purposes
29 prescribed in that section and for no other purpose; and that
30 I will not permit the use or copying of such information by
31

1 persons not authorized by the Election Code of the State of
2 Florida.

3
4 ...(Signature of person acquiring list)...

5
6 Sworn and subscribed before me this day of,
7 ...(year)....

8 ...(Name of person providing list)...

9 Section 73. Effective June 30, 2001, section 98.0975,
10 Florida Statutes, is repealed.

11 Section 74. (1) From funds appropriated from the
12 General Revenue Fund to the Division of Elections of the
13 Department of State in specific appropriation 2898B of the
14 2001-2002 General Appropriations Act, notwithstanding the
15 proviso language to that specific appropriation, the division
16 shall distribute the sum of \$5,949,375 in fiscal year
17 2001-2002 to the counties to fund comprehensive voter
18 education programs and pollworker recruitment and training
19 programs provided in this act. The Division shall divide the
20 total amount of funds appropriated by the total number of
21 registered voters in the state for the 2000 General Election
22 to establish a funding level per individual voter. Each
23 county shall receive an amount equal to the funding level per
24 individual voter multiplied by the number of registered voters
25 in the county, as certified by the Department of State for the
26 2000 General Election.

27 (2) No county shall receive any funds pursuant to
28 subsection (1) until the county supervisor of elections
29 provides to the Department of State a detailed description of
30 the voter-education programs to be implemented pursuant to s.
31 98.255, Florida Statutes, for the 2002 election cycle.

1 (3) This section shall take effect July 1, 2001.

2 Section 75. The Division of Elections of the
3 Department of State shall provide a report to the Governor,
4 the President of the Senate, and the Speaker of the House of
5 Representatives by November 15, 2001, detailing the progress
6 that each county required by this act to upgrade a voting
7 system has made toward the implementation of such system. This
8 section shall take effect July 1, 2001.

9 Section 76. Effective July 1, 2001, funds appropriated
10 to the Division of Elections of the Department of State in the
11 2001-2002 General Appropriations Act for Voting Systems
12 Assistance shall be distributed to the counties in the
13 following manner:

14 (1) Counties having a population of 75,000 or fewer
15 based on the 2000 census shall receive a total of \$7,500 per
16 precinct based on the number of precincts as certified by the
17 Department of State for the 2000 General Election, to be
18 distributed in two equal installments on July 1, 2001, and
19 July 1, 2002.

20 (2) All other counties shall receive a total of \$3,750
21 per precinct based on the number of precincts as certified by
22 the Department of State for the 2000 General Election, to be
23 distributed in two equal installments on July 1, 2001, and
24 July 1, 2002.

25 Section 77. If any provision of this act or the
26 application thereof to any person or circumstance is held
27 invalid, the invalidity shall not affect other provisions or
28 applications of the act which can be given effect without the
29 invalid provision or application, and to this end the
30 provisions of this act are declared severable.

31

1 Section 78. Except as otherwise provided herein, this
2 act shall take effect January 1, 2002.

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